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Legislative History – Montana Session Law

Chapter: 34 Session L: 2019

Bill Number: HB 124

Checklist of Bill History

- History and Final Status Sheet ☑
- Introduced Bill ☑
- Fiscal Note ☐
- Third Reading Bill ☑
- Final Version of Bill ☑

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 1/15/2019	Hearing Date(s): 2/13/2019
Committee Report: 1/22/2019	Committee Report: 2/13/2019

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: S.K. Marshall

Date: 11/19/2024

Notes: Audio and Video Recordings can be found here:
https://sg001-harmony.sliq.net/00309/Harmony/en

Thank you!

AN ACT GENERALLY REVISING PROVISIONS CONCERNING AGRICULTURAL COVENANTS UNDER THE SUBDIVISION AND PLATTING ACT; CLARIFYING THAT A CHANGE IN USE SUBJECTS CERTAIN EXEMPTIONS TO SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVOKE CERTAIN EXEMPTIONS IF THERE IS A CHANGE IN USE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 76-3-207, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Agricultural covenant -- change in use. (1) A change in use for anything other than agricultural purposes subjects a division of land that received an exemption under 76-3-207(1)(c) to subdivision review under parts 5 and 6 of this chapter. However, the governing body, in its discretion, may revoke the covenant provided for in 76-3-207(1)(c) for the purposes of this chapter and the division may proceed without subdivision review if:

(a) the original lot lines are restored through aggregation of the covenanted land prior to or in conjunction with the revoking of the covenant; or

(b) a government or public entity seeks to use the land for public purposes as defined in the governing body's review criteria pursuant to 76-3-504(1)(p).

(2) If a governing body proposes to revoke a covenant pursuant to subsection (1)(b), the governing body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the approval must be recorded with the clerk and recorder.

(3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed under Title 76, chapter 4.

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey

requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the ~~parties to the transaction enter~~ landowner enters into a covenant ~~running~~ for the purposes of this chapter with the governing body that runs with the land ~~and revocable only by mutual consent of the governing body and the property owner~~ and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of [section 1];

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1)~~:~~,

~~(a)~~ within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder~~;~~

~~(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural~~

~~purposes subjects the division to review under parts 5 and 6 of this chapter~~.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed $200, for the examination."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 1].

- END -

I hereby certify that the within bill,

HB 0124, originated in the House.

_____

Speaker of the House

Signed this _____ day

of _____, 2019.

_____

Chief Clerk of the House

_____

President of the Senate

Signed this _____ day

of _____, 2019.

HOUSE BILL NO. 124

INTRODUCED BY F. MANDEVILLE

AN ACT GENERALLY REVISING PROVISIONS CONCERNING AGRICULTURAL COVENANTS UNDER THE SUBDIVISION AND PLATTING ACT; CLARIFYING THAT A CHANGE IN USE SUBJECTS CERTAIN EXEMPTIONS TO SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVOKE CERTAIN EXEMPTIONS IF THERE IS A CHANGE IN USE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 76-3-207, MCA.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/28/19	Chapter Number Assigned				
02/28/19	(H) Signed by Governor				
02/25/19	(H) Transmitted to Governor				
02/22/19	(S) Signed by President				
02/21/19	(H) Signed by Speaker				
02/21/19	(C) Printed - Enrolled Version Available				
02/21/19	(H) Returned from Enrolling				
02/19/19	(H) Sent to Enrolling				
02/18/19	(S) Returned to House				
02/18/19	(S) 3rd Reading Concurred		50	0	
02/18/19	(S) Scheduled for 3rd Reading				
02/16/19	(S) 2nd Reading Concurred		47	0	
02/16/19	(S) Scheduled for 2nd Reading				
02/14/19	(S) Committee Report--Bill Concurred	(S) Local Government			
02/13/19	(S) Committee Executive Action--Bill Concurred	(S) Local Government	9	0	
02/13/19	(S) Hearing	(S) Local Government			
01/29/19	(S) Referred to Committee	(S) Local Government			
01/29/19	(S) First Reading				
01/28/19	(H) Transmitted to Senate				
01/28/19	(H) 3rd Reading Passed		97	1	
01/28/19	(H) Scheduled for 3rd Reading				
01/25/19	(H) 2nd Reading Passed		99	1	
01/25/19	(H) Scheduled for 2nd Reading				
01/23/19	(C) Printed - New Version Available				
01/23/19	(H) Committee Report--Bill Passed as Amended	(H) Local Government			
01/22/19	(H) Committee Executive Action--Bill Passed as Amended	(H) Local Government	17	0	
01/15/19	(H) Hearing	(H) Local Government			
01/08/19	(H) First Reading	(H) Local Government			
01/08/19	(H) Referred to Committee	(H) Local Government			

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
01/08/19	(C) Introduced Bill Text Available Electronically				
01/08/19	(H) Introduced				
01/08/19	(C) Draft Delivered to Requester				
12/20/18	(C) Draft Ready for Delivery				
12/19/18	(C) Executive Director Final Review				
12/19/18	(C) Draft in Assembly				
12/14/18	(C) Executive Director Review				
12/14/18	(C) Bill Draft Text Available Electronically				
12/14/18	(C) Draft in Final Drafter Review				
12/14/18	(C) Draft in Input/Proofing				
12/14/18	(C) Draft to Drafter - Edit Review [KWK]				
12/10/18	(C) Draft in Edit				
12/06/18	(C) Draft in Legal Review				
12/05/18	(C) Draft to Requester for Review				
11/12/18	(C) Draft Request Received				

HOUSE BILL NO. 124

INTRODUCED BY F. MANDEVILLE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROVISIONS CONCERNING AGRICULTURAL COVENANTS UNDER THE SUBDIVISION AND PLATTING ACT; CLARIFYING THAT A CHANGE IN USE SUBJECTS CERTAIN EXEMPTIONS TO SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVOKE CERTAIN EXEMPTIONS IF THERE IS A CHANGE IN USE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 76-3-207, MCA."

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(a) the original lot lines are restored through aggregation of the covenanted land prior to or in conjunction with the revoking of the covenant; or

(b) a government or public entity seeks to use the land for public purposes as defined in the governing body's review criteria pursuant to 76-3-504(1)(p).

(2) If a governing body proposes to revoke a covenant pursuant to subsection (1)(b), the governing body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the approval must be recorded with the clerk and recorder.

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot

created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the ~~parties to the transaction enter~~ landowner enters into a covenant ~~running~~ for the purposes of this chapter with the governing body that runs with the land ~~and revocable only by mutual consent of the governing body and the property owner~~ and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of [section 1];

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1)~~:~~.

~~(a)~~ within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder~~;~~

~~(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter~~.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed $200, for the examination."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 1].

- END -

HOUSE BILL NO. 124

INTRODUCED BY F. MANDEVILLE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROVISIONS CONCERNING AGRICULTURAL COVENANTS UNDER THE SUBDIVISION AND PLATTING ACT; CLARIFYING THAT A CHANGE IN USE SUBJECTS CERTAIN EXEMPTIONS TO SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVOKE CERTAIN EXEMPTIONS IF THERE IS A CHANGE IN USE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 76-3-207, MCA."

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(2) If a governing body proposes to revoke a covenant pursuant to subsection (1)(b), the governing body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the approval must be recorded with the clerk and recorder.

(3) THE REVOCATION OF A COVENANT PURSUANT TO THIS SECTION DOES NOT AFFECT SANITARY RESTRICTIONS IMPOSED UNDER TITLE 76, CHAPTER 4.

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as

provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

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(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed $200, for the examination."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 1].

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Geraldine Custer, on January 15, 2019 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Geraldine Custer, Chair (R)
Rep. Dave Fern, Vice Chair (D)
Rep. Steve Gunderson, Vice Chair (R)
Rep. Greg DeVries (R)
Rep. Frank Fleming (R)
Rep. Rodney Garcia (R)
Rep. Frank Garner (R)
Rep. Derek J. Harvey (D)
Rep. Emma Kerr-Carpenter (D)
Rep. Jasmine Krotkov (D)
Rep. Theresa Manzella (R)
Rep. Marilyn Marler (D)
Rep. Christopher Pope (D)
Rep. Derek Skees (R)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Bruce Grubbs (R)
Rep. Casey Schreiner (D)

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Chris Bushnell, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 55, 1/4/2019; HB 124, 1/4/2019; HB 125, 1/4/2019

15:01:20 Chair Custer

HEARING ON HB 55

Opening Statement by Sponsor:
15:03:14 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 55, Revise Sanitation in Subdivisions Act.

15:04:51 Chair Custer

Proponents' Testimony:
15:05:31 Tim Davis, Montana Department of Environmental Quality (DEQ)
EXHIBIT(loh07a01)

15:11:59 Lori Christenson, Gallatin City County Health Department
15:15:05 Shannon Therriault, Environmental Health of Missoula, Montana Environmental Health Association, Montana Public Health Association, Association of Montana Public Health Officials
15:17:41 Steve Kilbreath, Casne & Associates
15:20:28 Jay Skoog, American Council of Engineering Companies of Montana, (ACEC of Montana)
15:21:33 Jeff Larsen, Montana Environmental Consultants Association (MECA)
15:24:26 Rick Breckenridge, Self
15:27:22 Buck Breckenridge, Self
15:27:59 Abigail St. Lawrence, Montana Building Industry Association
15:28:58 Tim Burton, Montana League of Cities and Towns (MLCT)
15:29:47 Tara DuPuy, Montana Association of Counties (MACO)
15:30:54 Sam Sill, Montana Association of Realtors (MAR)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:32:20 Rep. Garner
15:32:41 Tim Davis, DEQ
15:33:41 Rep. Garner
15:33:52 Jeff Larson, ACEC of Montana
15:34:13 Rep. Garner
15:34:52 Rep. Mandeville
15:35:13 Rep. Garner
15:35:17 Rep. Mandeville
15:36:03 Chair Custer
15:36:35 Tim Davis, DEQ
15:37:07 Chair Custer

Closing by Sponsor: None

HEARING ON HB 124

Opening Statement by Sponsor:
15:37:41 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 125, Limit use of emergency ordinances by local government.
EXHIBIT(loh07a02)

Proponents' Testimony:
15:40:49 Greg Rauschendorfer, Self, Lower Yellowstone Rural Electric Cooperative
15:42:47 Shane Gorder, Richland County
15:44:44 Tara Dupuy, Montana Association of Counties (MACO)
EXHIBIT(loh07a03)
15:49:19 Tim Burton, Montana League of Cities and Towns (MLCT)
15:49:38 Jeff Barber, Montana Association of Planners (MAP)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:50:18 Rep. Fern
15:51:58 Tara DuPuy, MACO
15:52:43 Rep. Pope
15:52:42 Rep. Grubbs joined the meeting
15:53:06 Tara DuPuy, MACO

Closing by Sponsor:
15:54:15 Rep. Mandeville (R), HD 57

HEARING ON HB 125

Opening Statement by Sponsor:
15:55:37 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 124, Authorize county commissioners to lift agricultural covenants - limited situation.

Proponents' Testimony:
15:57:05 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
15:59:13 Brian Popiel, Montana Building Industry Association (MBIA)
16:01:16 Sam Sill, Montana Association of Realtors (MAR)

Opponents' Testimony:
16:02:43 Tim Burton, Montana League of Cities and Towns (MLCT)

Informational Testimony: None

Questions from Committee Members and Responses:
16:08:01 Rep. Garner
16:08:36 Tim Burton, MLCT
16:08:44 Rep. Garner
16:09:09 Ginger Aldrich, Legislative Services Division (LSD)

16:09:34 Rep. Garner
16:09:56 Tim Burton, MLCT
16:11:06 Rep Garner
16:11:38 Rep. Mandeville
16:12:20 Rep. Marler
16:12:55 Rep. Mandeville
16:13:05 Rep. Marler
16:13:20 Rep. Mandeville
16:13:59 Vice Chair Fern
16:14:45 Tim Burton, MLCT
16:15:46 Vice Chair Fern
16:16:01 Tim Burton, MLCT
16:16:37 Rep. Pope
16:17:58 Rep. Mandeville
16:18:24 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
16:20:49 Rep. Pope
16:21:35 Abigail St. Lawrence, MBIA
16:22:52 Chair Custer
16:23:11 Tim Burton, MLCT
16:23:43 Chair Custer
16:24:13 Shane Gorder, Richland County

Closing by Sponsor:
16:24:52 Representative Mandeville (R), HD 57

Committee Business: Presentation on Subdivision
16:26:21 Tara DuPuy, Montana Association of Counties (MACO)
EXHIBIT(loh07a04)
EXHIBIT(loh07a05)
16:52:03 Vice Chair Fern
16:52:45 Tara DuPuy, MACO
16:53:56 Vice Chair Gunderson
16:54:23 Tara DuPuy, MACO
16:55:32 Vice Chair Gunderson
16:55:55 Tara DuPuy, MACO
16:57:55 Chair Custer
16:58:31 Tara DuPuy, MACO
17:03:18 Vice Chair Fern
17:03:42 Tara DuPuy, MACO
17:05:11 Chair Custer

ADJOURNMENT

Adjournment: 17:05:28

_____
Chris Bushnell, Secretary

cb

Additional Documents:

EXHIBIT(loh07aad.pdf)

EXHIBIT 2
DATE 1-15-19
HB HB 124

Amendments to House Bill No. 124
1st Reading Copy

Requested by Representative Forrest Mandeville

For the House Local Government Committee

Prepared by K.V. Aldrich
January 10, 2019 (7:54pm)

1. Page 1, line 25.
Following: line 24
Insert: "(3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed under Title 76, chapter 4."

- END -

EXHIBIT 3
DATE 1-15-19
HB HB 124

HB 124 - Lifting of Ag Covenants in Limited Situations

Written Testimony in Support **Tara DePuy, Land Use Attorney, MACo/PCT**

Date: January 15, 2019 **House Local Government Committee**

Purpose of HB 124: The purpose of HB 124 is to authorize the lifting of an agricultural covenant when either the agricultural covenanted tract is aggregated back into the original tract of record or when the agricultural covenanted tract will be used for a public purpose. Agricultural covenants are an allowed exemption from subdivision review when there is a division of land less than 160 acres, if the agricultural covenant is not an attempt to evade subdivision review. The agricultural covenant is a written document approved by the governing body and recorded with the Clerk and Recorder which restricts the use of the land to agricultural uses only with no sanitation facilities. The change in the use of the tract of land to anything other than agricultural uses requires subdivision review as a minor subdivision.

Background: This bill is arises from a MACo resolution that was approved by the entire body of county commissioners at the MACo annual conference last fall. The bill was requested by Richland County. Richland County has numerous agricultural covenant exemptions that were approved in the 1980's and came to light in the Bakken boom as these lands were transferred and the intended use was something other than an agricultural use. A local rural electric power company had to remove an agricultural covenant in order to build a substation which cost the company and its members a lot of money.

Text of Bill:

New Section 1 will be codified within Title 76, Chapter 3, part 2. The requirement that the lifting of an agricultural covenant requires subdivision review under part 5 and 6 of the Montana Subdivision and Platting Act is not new to this exemption, but the new section allows in certain limited situations for an agricultural covenant to be lifted by the governing body without subdivision review.

- The first situation is where the agricultural covenanted tract will be aggregated with the original tract of land, in essence removing the "division of land" that occurred when the agricultural covenant was granted.

- The second situation is when a government or public entity seeks to use the agricultural covenanted tract for a public purpose. A public entity is an entity, such as a corporation or partnership, which provides a public service. "Public purpose" will be defined by each jurisdiction in their subdivision exemption review criteria authorized by 76-3-504(1)(p). However, before the governing body can lift an agricultural covenant for a public purpose the governing body must hold a public hearing to receive public comment and then issue written findings of fact based on the record. The approval is then recorded with the Clerk and Recorder to clear the agricultural covenant from that tract of land.

The changes in Section 2 are to clarify that the agricultural covenant is a covenant entered into between a landowner and the governing body and that the agricultural covenant runs with the land and requires the divided land to be used exclusively for agricultural purposes, subject to New Section 1's provisions. The words "mutual consent" are specifically deleted as the words are a misnomer and confusing; in the 2009 legislature 76-3-207 was amended to make it clear that in order to lift an agricultural covenant subdivision review was required and the words "mutual consent" should have been struck at that time. Section (2)(b) is deleted as that language is now found in New Section 1.

On behalf of MACo, we ask that you vote in favor of this bill and move it to the House floor.

66th LEGISLATURE 2019 SESSION

Additional Documents

- Business Page
- Roll Call
- Standing Committee Reports
- Table Bills
- Fiscal reports
- Tabled Bills
- Roll Call Votes
- Proxies
- Witness Statements
- Informational items
- Visitor Registrations
- Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, January 15, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 472

BILLS and RESOLUTIONS HEARD:

HB 55 - Revise Sanitation in Subdivisions Act - Rep. Forrest Mandeville
HB 124 - Authorize county commissioners to lift agricultural covenants -limited situation - Rep. Forrest Mandeville
HB 125 - Limit use of emergency ordinances by local government - Rep. Forrest Mandeville

EXECUTIVE ACTION TAKEN:

None

Comments: Subdivision presentation

Geraldine Custer

REP. Geraldine Custer, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE: 1-15-19

NAME	PRESENT	ABSENT/EXCUSED
VICE CHAIR GUNDERSON	X	
VICE CHAIR FERN	X	
REP. DEVRIES	X	
REP. FLEMING	X	
REP. GARCIA	X	
REP. GARNER	X	
REP. GRUBBS		X
REP. HARVEY	X	
REP. KERR-CARPENTER	X	
REP. KROTKOV	X	
REP. MANZELLA	X	
REP. MARLER	X	
REP. POPE	X	
REP. SCHREINER		X
REP. SKEES	X	
REP. ZOLNIKOV	X	
CHAIR CUSTER	X	

17 MEMBERS

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 15, 2019
HB 55 - Revise Sanitation in Subdivisions Act
Sponsor: **Rep. Forrest Mandeville**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Steve Kilbreath	Cusino Assoc	✓		
Tara Utley	MACo / RCT	✓		
Rick Breckenridge	Self	✓		
Jeff Larsen	Larsen Eng + Sur.	✓		
Buck Breckenridge	Breckenridge Survey	✓		
Tim Burton	MLCT	✓		
Shannon Therriault	MEHA / Missoula Health	✓		
Lori Christenson	AMPAD / GCCH - Gallatin County	—		
Abigail St. Lawrence	MBIA	X		
Sam Sill	MAR			
Jay Skoog	ACEC - MONTANA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 15, 2019

HB 124 - Authorize county commissioners to lift agricultural covenants -limited situation

Sponsor: **Rep. Forrest Mandeville**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Greg Rauschendorfer	Self + LYREC	✓		
Shane Gorder	Richland County	✓		
Tara DePuy	MACO / MCT	✓		
Craig Johnson	Mid Rivers RC: Self Farm - Ranch Owner	✓		
Tim Burton	MLCT	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 15, 2019

HB 125 - Limit use of emergency ordinances by local government

Sponsor: **Rep. Forrest Mandeville**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Tom Burton	MLCT		✓	
Abigail St. Lawrence	MBIA	X		
Sam Sill	M.A.R.	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Geraldine Custer, on January 22, 2019 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Geraldine Custer, Chair (R)
Rep. Dave Fern, Vice Chair (D)
Rep. Steve Gunderson, Vice Chair (R)
Rep. Greg DeVries (R)
Rep. Rodney Garcia (R)
Rep. Frank Garner (R)
Rep. Emma Kerr-Carpenter (D)
Rep. Jasmine Krotkov (D)
Rep. Theresa Manzella (R)
Rep. Marilyn Marler (D)
Rep. Christopher Pope (D)

Members Excused: Rep. Frank Fleming (R)
Rep. Bruce Grubbs (R)
Rep. Derek J. Harvey (D)
Rep. Casey Schreiner (D)
Rep. Derek Skees (R)
Rep. Daniel Zolnikov (R)

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Chris Bushnell, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 19, 1/11/2019; HB 131, 1/11/2019; HB 169, 1/11/2019
Executive Action on:	HB 55; HB 123; HB 124; HB 125

14:31:14 Chair Custer
14:33:05 Committee recessed
14:50:06 Committee reconvened with Rep. Skees present.
14:50:07 Rep. Manzella exited the meeting

EXECUTIVE ACTION ON HB 55

14:50:10 **Motion/Vote:** Rep. Fern moved that **HB 55 DO PASS**. Motion carried unanimously by voice vote. Rep. Fleming, Rep. Grubbs, Rep. Harvey, Rep. Schreiner and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 123

14:51:28 **Motion:** Rep. Gunderson moved that **HB 123 DO PASS**.
14:51:42 **Motion:** Rep. Gunderson moved that **HB 123 BE AMENDED**.
EXHIBIT(loh12a01)

Discussion:
14:51:57 Ginger Aldrich, Legal Services Division (LSD)

14:52:18 **Vote:** Motion carried unanimously by voice vote. Rep. Fleming, Rep. Grubbs, Rep. Harvey, Rep. Schreiner and Rep. Zolnikov voted by proxy.

14:52:58 Rep. Harvey entered the meeting.

14:53:11 **Motion/Vote:** Rep. Gunderson moved that **HB 123 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Fleming, Rep. Grubbs, Rep. Schreiner and Rep. Zolnikov voted by proxy.

14:53:15 Rep. Grubbs joined the meeting.

EXECUTIVE ACTION ON HB 124

14:53:51 Chair Custer

14:53:58 **Motion:** Rep. Fern moved that **HB 124 DO PASS**.
14:54:14 **Motion:** Rep. Gunderson moved that **HB 124 BE AMENDED**.
EXHIBIT(loh12a02)

Discussion:
14:54:33 Ginger Aldrich, LSD

14:54:57 **Vote:** Motion carried unanimously by voice vote. Rep. Fleming, Rep. Manzella, Rep. Schreiner and Rep. Zolnikov voted by proxy.

14:55:53 **Motion/Vote:** Rep. Gunderson moved that **HB 124 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Fleming, Rep. Manzella, Rep. Schreiner and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 125

14:56:27 **Motion:** Rep. Gunderson moved that **HB 125 DO PASS**.
14:56:46 **Motion:** Rep. Gunderson moved that **HB 125 BE AMENDED**.
EXHIBIT(loh12a03)

Discussion:
14:57:08 Ginger Aldrich (LSD)

14:57:50 **Vote:** Motion carried unanimously by voice vote. Rep. Fleming, Rep. Manzella, Rep. Schreiner and Rep. Zolnikov voted by proxy.

14:58:22 **Motion:** Rep. Gunderson moved that **HB 125 DO PASS AS AMENDED**.

Discussion:
14:58:31 Rep. Marler
14:59:11 Rep. Pope
14:59:42 Rep. Garner
15:00:09 Rep. Grubbs

15:00:44 **Vote:** Motion failed unanimously by roll call vote. Rep. Fleming, Rep. Manzella, Rep. Schreiner and Rep. Zolnikov voted by proxy.

15:01:58 **Motion/Vote:** Rep. Gunderson moved that **HB 125 BE TABLED**. Motion carried unanimously by voice vote. Rep. Fleming, Rep. Manzella, Rep. Schreiner and Rep. Zolnikov voted by proxy.

HEARING ON HB 169

Opening Statement by Sponsor:
15:03:12 Rep. Marilyn Ryan (D), HD 99, opened the hearing on HB 169, Exempting certain cooperative purchasing agreements from competitive bidding.

Proponents' Testimony:
15:05:21 Bill Otto, Sourcewell
15:07:50 Eric Bryson, Montana Association of Counties (MACo)
15:09:08 Meghan Holmlund, Montana Department of Administration (DOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:10:58 Rep. Pope
15:11:46 Meghan Holmlund, DOA

Closing by Sponsor:
15:12:35 Rep. Marilyn Ryan (D), HD 99

HEARING ON HB 131

Opening Statement by Sponsor:
15:13:02 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 131, Specifying a county attorney's obligation in certain legal matters.

Proponents' Testimony:
15:14:00 Eric Bryson, Montana Association of Counties (MACo)
EXHIBIT(loh12a04)

Opponents' Testimony:
15:18:12 Leo Gallagher, Montana County Attorney's Association

Informational Testimony: None.

Questions from Committee Members and Responses:
15:21:47 Rep. Grubbs
15:22:13 Eric Bryson, MACO
15:23:28 Vice Chair Fern
15:23:57 Eric Bryson, MACO
15:25:03 Rep. Pope
15:25:43 Leo Gallagher, Montana County Attorney's Association
15:27:59 Rep. Skees
15:28:22 Eric Bryson, MACO
15:28:26 Rep. Skees
15:28:39 Eric Bryson, MACO
15:29:37 Rep. Skees
15:29:57 Eric Bryson, MACO

Closing by Sponsor:
15:30:42 Rep. Forrest Mandeville (R), HD 57

HEARING ON HB 19

Opening Statement by Sponsor:
15:32:12 Rep. Sharon Stewart Peregoy (D), HD 42, opened the hearing on HB 19, Revise definition of "high-poverty county" for Big Sky Economic Development.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:
15:38:48 Sean Becker, Montana Department of Commerce (DOC)

Questions from Committee Members and Responses:
15:39:08 Rep. Fern
15:39:43 Sean Becker, DOC
15:40:05 Rep. Fern

15:40:20 Rep. Stewart Peregoy (D), HD 42
EXHIBIT(loh12a05)
15:43:27 Vice Chair Gunderson
15:43:51 Sean Becker, DOC
15:44:13 Vice Chair Gunderson
15:44:40 Sean Becker, DOC
EXHIBIT(loh12a06)

Closing by Sponsor:
15:46:57 Rep. Sharon Stewart Peregoy (D), HD 42

15:47:17 Chair Custer

ADJOURNMENT

Adjournment: 15:47:18

_____
Chris Bushnell, Secretary

cb

Additional Documents:

EXHIBIT(loh12aad.pdf)

EXHIBIT 2
DATE 1-22-19
HB 124

Amendments to House Bill No. 124
1st Reading Copy

Requested by Representative Forrest Mandeville

For the House Local Government Committee

Prepared by K.V. Aldrich
January 18, 2019 (9:29am)

1. Page 1, line 25.
Following: line 24
Insert: "(3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed under Title 76, chapter 4."

- END -

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

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These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, January 22, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 472

BILLS and RESOLUTIONS HEARD:
HB 19 - Revise definition of "high-poverty county" for Big Sky Economic Development - Rep. Sharon Stewart Peregoy

HB 131 - Specifying a county attorney's obligation in certain legal matters - Rep. Forrest Mandeville

HB 169 - Exempting certain cooperative purchasing agreements from competitive bidding - Rep. Marilyn Ryan

EXECUTIVE ACTION TAKEN:
HB 55 - Do pass

HB 123 - Do pass as amended

HB 124 - Do pass as amended

HB 125 - Tabled

Comments:

Geraldine Custer
REP. Geraldine Custer, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE: 1/22/19

NAME	PRESENT	ABSENT/EXCUSED
VICE CHAIR GUNDERSON	✓	
VICE CHAIR FERN	✓	
REP. DEVRIES	✓	
REP. FLEMING		✓
REP. GARCIA	✓	
REP. GARNER	✓	
REP. GRUBBS		✓
REP. HARVEY		✓
REP. KERR-CARPENTER	✓	
REP. KROTKOV	✓	
REP. MANZELLA	✓	
REP. MARLER	✓	
REP. POPE	✓	
REP. SCHREINER		✓
REP. SKEES		✓
REP. ZOLNIKOV		✓
CHAIR CUSTER	✓	

17 MEMBERS

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 124** (first reading copy -- white) **do pass as amended**.

Signed: Geraldine Custer
Representative Geraldine Custer, Chair

And, that such amendments read:

1. Page 1, line 25.
Following: line 24
Insert: "(3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed under Title 76, chapter 4."

- END -

Committee Vote:
Yes 17, No 0
Fiscal Note Required __

HB0124001SC.hlc

1.23

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 123** (first reading copy -- white) **do pass as amended**.

Signed: Geraldine Custer
Representative Geraldine Custer, Chair

And, that such amendments read:

1. Page 1, line 16.
Strike: "(a)"
Following: "district"
Insert: ":
(a)"

2. Page 1, line 18.
Strike: "."
Insert: "; or"

3. Page 1, line 19.
Strike: "Each lot" through "district"

- END -

Committee Vote:
Yes 17, No 0
Fiscal Note Required __

HB0123001SC.hlc

1.23

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 55** (first reading copy -- white) **do pass**.

Signed: Geraldine Custer
Representative Geraldine Custer, Chair

- END -

Committee Vote:
Yes 17, No 0
Fiscal Note Required __

HB0055001SC.hlc

NB 1.23

COMMITTEE FILE COPY

BILL TABLED NOTICE

HOUSE LOCAL GOVERNMENT COMMITTEE

The **HOUSE LOCAL GOVERNMENT COMMITTEE** TABLED

HB 125 - Limit use of emergency ordinances by local government - Rep. Forrest Mandeville

by motion, on **Tuesday, January 22, 2019** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

CB

(For the Committee)

NK3

(For the Chief Clerk of the House)

5:35 / 1.22

(Time) (Date)

January 22, 2019 (4:29pm) Chris Bushnell, Secretary Phone: 444-7353

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER 125 DATE _____

MOTION Do pass as amended.

NAME	AYE	NO	PROXY
VICE CHAIR GUNDERSON		✓	
VICE CHAIR FERN		✓	
REP. DEVRIES		✓	
REP. FLEMING		✓	✓
REP. GARCIA		✓	
REP. GARNER		✓	
REP. GRUBBS		✓	
REP. HARVEY		✓	
REP. KERR-CARPENTER		✓	
REP. KROTKOV		✓	
REP. MANZELLA		✓	✓
REP. MARLER		✓	
REP. POPE		✓	
REP. SCHREINER		✓	✓
REP. SKEES		✓	
REP. ZOLNIKOV		✓	✓
CHAIR CUSTER		✓	

17 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the **Local Government** Committee.

I desire to leave my proxy vote with Rep. Custer.

BILL	AYE	NO
HB 5	X	
HB 123	X	
HB 012301. AKA	X	
HB 123 AS AMEND	X	
HB 124	X	
HB 012401 AKA	X	
HB 124 AS AMEND	X	
HB 125	X	
HB 012501. AKA	X	
HB 125 AS AMEND		X
TABLE HB 125	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Custer for any amendments proposed on this date.

Rep. Frank J Lemay
(Signature)

Date 1-22-19

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the **Local Government** Committee.

I desire to leave my proxy vote with Rep. Custer.

BILL	AYE	NO
HB 55	X	
HB 123	X	
HB 012301. AKA	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Garner for any amendments proposed on this date.

Rep. [signature] (Signature)

Date 1-22-19

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the Local Govt Committee.

I desire to leave my proxy vote with Rep. Custer.

BILL	AYE	NO
HB 55	✓	
HB 123	✓	
HB 124		
HB 125		
~~HB 123 Amdt~~	~~✓~~	
~~HB 124 Amdt~~	~~✓~~	
~~HB 125 Amdt~~	~~✓~~	
~~123 as amended~~	~~✓~~	
~~124 as amended~~	~~✓~~	
~~125 as amended~~		

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Fern for any amendments proposed on this date.

Rep. _____ Date 1/22/19
(Signature)

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the **Local Government** Committee.

I desire to leave my proxy vote with Rep. Custer.

BILL	AYE	NO
HB124	X	
HB 0124 01. AKA	X	
HB124 AS AMEND	X	
HB 125	X	
HB 0125 01. AKA	X	
HB125 AS AMENDED	X	X
TABLE HB125	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Custer for any amendments proposed on this date.

Rep. Theresa Manzella
(Signature)

Date 1-22-19

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the Local Govt Committee.

I desire to leave my proxy vote with Rep. Fern.

BILL	AYE	NO
HB 55	✓	
HB 123 as amended	✓	
HB 124 as amended	✓	
HB 125 as amended		✓
HB 123 Amendment	✓	
HB 124 Amendment	✓	
HB 125 Amendment	✓	
Table HB 125	✓	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Fern for any amendments proposed on this date.

Rep. _____
(Signature)
Stenvick

Date 11/22/19

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the **Local Government** Committee.

I desire to leave my proxy vote with Rep. Custer.

BILL	AYE	NO
HB 5	X	
HB 123	X	
HB 012301. AKA	X	
HB 123 AS AMEND	X	
HB 124	X	
HB 012401. AKA	X	
HB 124 AS AMEND	X	
HB 125	X	
HB 012501. AKA	X	
HB 125 AS AMEND		X
TABLE HB 125	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Custer for any amendments proposed on this date.

Rep. _____ Date 1-22-19
(Signature)

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 22, 2019
HB 19 - Revise definition of "high-poverty county" for Big Sky Economic Development
Sponsor: **Rep. Sharon Stewart Peregoy**

PLEASE PRINT

Name	Representing	Support	Oppose	Info

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 22, 2019
HB 169 - Exempting certain cooperative purchasing agreements from competitive bidding
Sponsor: **Rep. Marilyn Ryan**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Meghan Holmlund	DOA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, January 22, 2019
HB 131 - Specifying a county attorney's obligation in certain legal matters
Sponsor: **Rep. Forrest Mandeville**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Leo Gallagher	MT Co. Att'y Assn		X	
Eric Bryson	MACo	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE JOURNAL
66TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — House Chambers
January 25, 2019 — State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Woods. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Mortensen, excused. Quorum present.

BILLS (Ricci, Chair): 1/25/2019

Correctly printed: **HB 37**, **HB 38**, **HB 56**, **HB 71**, **HB 78**, **HB 156**, **HB 206**, **HB 237**, **HB 282**, **HB 283**, **HB 284**, **HB 285**, **HB 286**, **HB 287**, **HB 288**, **HB 289**, **HB 290**, **HB 291**, **HB 292**, **HB 293**, **HB 294**, **HB 295**, **HB 300**, **SB 62**.
Correctly engrossed: **HB 19**, **HB 74**, **HB 85**, **HB 86**, **HB 128**, **HB 137**, **HB 139**, **HB 169**, **HB 186**, **HB 200**, **HB 201**, **HB 213**.
Correctly enrolled: **HB 1**.
Examined by the sponsor and found to be correct: **HB 1**.
Transmitted to the Senate: **HB 61**, **HB 71**, **HB 156**.
Signed by the Speaker at 12:19 p.m., January 25, 2019: **HB 1**.
Signed by the Chief Clerk of the House at 12:23 p.m., January 25, 2019: **HB 1**.

COMMUNICATIONS AND PETITIONS

Mr. Speaker:

We, your committee on Legislative Administration, having examined the daily journals for the first, second, third, fourth, and fifth legislative days, find the same to be correct.

Representative Ricci, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Shaw, Chair): 1/24/2019
HB 50, do pass. Report adopted.
HB 51, do pass. Report adopted.
HB 102, do pass. Report adopted.
HB 151, do pass. Report adopted.

BUSINESS AND LABOR (Noland, Chair): 1/25/2019
HB 59, do pass. Report adopted.
HB 64, do pass. Report adopted.
HB 66, do pass. Report adopted.

HB 74, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "STATE AUDITOR;"
Strike: "REVISING LAWS RELATED TO INJUNCTIONS;"

2. Title, page 1, line 7.
Following: "AMENDING"
Strike: "SECTION 33-1-318"
Insert: "SECTIONS 33-1-317, 33-1-1211, 33-1-1302, 33-17-502, 33-17-1001, 33-18-233, 33-19-405, 33-20-805, 33-20-806, 33-22-115, AND 33-38-108"

3. Page 1, line 11 through page 2, line 29.
Strike: everything after the enacting clause
Insert: "Section 1. Section 33-1-317, MCA, is amended to read:

"33-1-317. Penalty imposed by commissioner -- restitution. (1) The commissioner may, after having conducted a hearing pursuant to 33-1-701, impose a fine not to exceed the sum of $25,000 upon a person found to have violated a provision of this code or regulation promulgated by the commissioner, except that the fine imposed upon insurance producers or adjusters may not exceed $5,000 per violation. The fine ~~is in addition to all other penalties imposed by the laws of this state and~~ must be collected by the commissioner in the name of the state of Montana. ~~Imposition of a fine under this section is an order from which an appeal may be taken, pursuant to the provisions of 33-1-711.~~

(2) (a) The commissioner may, after giving reasonable notice and an opportunity for a hearing, require a person who commits a violation of this title or any rule or order issued under this title to make restitution, with interest, to a person who has sustained a financial loss resulting from the violation.

(b) The interest rate must be calculated as of the date of the final order or upon final judgment if the matter is appealed.

(c) Interest accrues at a rate commensurate with that specified in 25-9-205.

(3) (a) Fines and restitution under this section are in addition to all other penalties imposed by the laws of this state.

(b) Imposition of a fine or restitution under this section is an order that is subject to an appeal as provided in 33-1-711.""

Insert: "Section 2. Section 33-1-1211, MCA, is amended to read:

"33-1-1211. Administrative or civil penalties. (1) If, after a hearing conducted under 33-1-701, the commissioner determines that a person has committed administrative or civil insurance fraud, the commissioner may:

(a) impose any penalty or procedure provided for in 33-1-317; or

(b) require the person to pay the costs of the proceeding.

(2) In addition to any other penalties, the commissioner shall require a person who commits administrative or civil insurance fraud to make restitution to the insurer or to any other person for all financial loss sustained as a result of the insurance fraud.""

Insert: "Section 3. Section 33-1-1302, MCA, is amended to read:

"33-1-1302. Insurance, viatical settlement, medical care discount card, and pharmacy

discount card administrative or civil fraud -- insurer. (1) A person commits the act of insurance, viatical settlement, medical care discount card, or pharmacy discount card fraud when:

(a) in the course of offering or selling insurance, a medical care discount card, or a pharmacy discount card, the person misrepresents a material fact, known to the person to be untrue or made with reckless indifference as to whether it is true, with the intention of causing another person to rely upon the misrepresentation to that relying person's detriment; or

(b) with respect to a viatical settlement, the person violates the provisions of 33-1-1304.

(2) A person commits the act of insurance fraud or viatical settlement fraud by engaging in any transaction, act, practice, course of business, or course of dealing that involves a violation of insurable interest laws.

(3) The commissioner may, after having conducted a hearing pursuant to 33-1-701, impose the penalties or procedures provided for in 33-1-317 for a violation of 33-1-1304 or this section. Failure to pay a fine under this section results in a lien upon the assets and property of the person as provided in 33-1-318(3).

~~(4) In addition to any penalty provided for in 33-1-317, the commissioner may require a person regulated under this title who commits insurance, viatical settlement, medical care discount card, or pharmacy discount card fraud to make full restitution to the victim for all financial losses sustained as a result of the fraud with interest of 10% a year from the date of the fraud plus any costs and reasonable attorney fees, less the amount of any income, refund, or other benefit received by the victim from the insurance, viatical settlement, medical care discount card, or pharmacy discount card.~~

~~(5)~~(4) The commissioner may require a person who commits a violation of this part to make full restitution to any person who may have sustained any losses as a result of the fraud with interest of 10% a year from the date of the loss plus any costs and reasonable attorney fees.

~~(6)~~(5) An insurer, insurance producer, or other person who sustained any losses and who was awarded restitution may bring suit to recover those sums, including any attorney fees, interest at 10% a year, and costs incurred in obtaining a judgment.

~~(7)~~(6) Failure of a person to pay any amount ordered under this section constitutes a forfeiture of the right to do business in this state.""

Insert: "Section 4. Section 33-17-502, MCA, is amended to read:

"33-17-502. Prohibition on representation as consultant -- receiving fee. (1) A person not licensed as an insurance consultant in this state who identifies or represents to the public that the person is an insurance consultant without having been licensed as an insurance consultant under this part or a person who uses any other designation or title that is likely to mislead the public and represents to the public that the person has particular insurance qualifications other than those for which the person may be otherwise licensed or otherwise qualified may be fined or subject to procedures pursuant to 33-1-317.

(2) A person not licensed as an insurance consultant with respect to the relevant kinds of insurance who receives a fee for examining, appraising, reviewing, or evaluating any insurance policy, annuity or pension contract, plan, or program or who makes recommendations or gives advice with regard to any insurance policy, annuity or pension contract, plan, or program without first having been licensed by the commissioner as an insurance consultant may be fined or subject to procedures pursuant to 33-1-317.

(3) This part does not apply to:

(a) licensed attorneys at law in this state acting in their professional capacity; or

(b) an actuary or a certified public accountant who provides information, recommendations, advice, or services in a professional capacity if neither the actuary nor the certified public accountant or the actuary's or certified public accountant's employer receives any compensation directly or indirectly on account of any insurance, bond, annuity or pension contract that results in whole or part from that information, recommendation, advice, or services.""

Insert: "Section 5. Section 33-17-1001, MCA, is amended to read:

"33-17-1001. Suspension, revocation, or refusal of license. (1) The commissioner may suspend, revoke, refuse to renew, or refuse to issue a license under this chapter, may levy a ~~civil~~ penalty or enforce other procedures in accordance with 33-1-317, or may choose any combination of actions when a licensee or applicant for licensure has:

(a) engaged or is about to engage in an act or practice for which issuance of the license could have been refused;

(b) obtained or attempted to obtain a license through misrepresentation or fraud, including but not limited to providing incorrect, misleading, incomplete, or materially untrue information in the license application or in the continuing education affidavit;

(c) violated or failed to comply with a provision of this code or has violated a rule, subpoena, or order of the commissioner or of the commissioner of any other state;

(d) improperly withheld, misappropriated, or converted to the licensee's or applicant's own use money or property belonging to policyholders, insurers, beneficiaries, or others and received in conduct of business under the license;

(e) been convicted of a felony;

(f) in the conduct of the affairs under the license, used fraudulent, coercive, or dishonest practices or the licensee or applicant is incompetent, untrustworthy, financially irresponsible, or a source of injury and loss to the public;

(g) misrepresented the terms of an actual or proposed insurance contract or application for insurance;

(h) been found guilty of an unfair trade practice or fraud prohibited by Title 33, chapter 18;

(i) had a similar license denied, suspended, or revoked in any other state;

(j) forged another's name to an application for insurance or to any document related to an insurance transaction;

(k) cheated on an examination for a license;

(l) knowingly accepted insurance business from a person who is not licensed;

(m) failed to comply with a final administrative or court order imposing a child support obligation; or

(n) failed to pay state income tax determined to be delinquent or to comply with any final administrative or court order directing payment of state income tax.

(2) The license of a business entity may be suspended, revoked, refused, or denied if a reason listed in subsection (1) applies to an individual designated in the license to exercise its powers.

(3) The commissioner retains the authority to enforce the provisions of and impose any penalty or remedy authorized by the insurance code against any person who is under investigation for or charged with a violation of the insurance code even if the person's license or registration has been surrendered, suspended, revoked, refused, or denied or has lapsed.""

Insert: "Section 6. Section 33-18-233, MCA, is amended to read:

"33-18-233. Administrative penalty or other procedures for failure to pay promptly.

(1) The commissioner may, after a hearing, impose ~~an administrative~~ a fine or other procedures as provided in 33-1-317 on an insurer if the commissioner finds that the insurer as a general course of business practice in this state fails to:

(a) use due diligence in processing all claims;

(b) pay claims in a timely manner;

(c) provide proper notice, when required, with respect to the reasons for the insurer's failure to make claim payments when due;

(d) pay, without just cause, proper claims arising under coverage provided by its policies, whether the claims are in favor of an insured, in favor of a third person with respect to the liability of an insured to the third person, or in favor of any other person entitled to the benefits of a policy; or

(e) pay interest pursuant to 33-18-232(2).

(2) If an insurer can demonstrate that it has consistently paid 90% of the total dollar amount outstanding in claims to each claimant within 20 working days and all of the amount within 30 working days of receipt of claims during the 6-month period immediately preceding the hearing date, the insurer is not subject to the fine described in subsection (1).""

Insert: "Section 7. Section 33-19-405, MCA, is amended to read:

"33-19-405. ~~Civil penalty~~ Penalty and procedures. A person who violates this chapter is subject to the ~~civil~~ penalty and procedures provided in 33-1-317.""

Insert: "Section 8. Section 33-20-805, MCA, is amended to read:

"33-20-805. Duties of insurers, insurance producers, and independent agencies. (1) In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer or the insurer when an insurance producer is not involved must have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to the consumer's investments, other insurance products, financial situation, and needs, including the consumer's suitability information, and that there is a reasonable basis to believe all of the following:

(a) the consumer has been reasonably informed of various features of the annuity, including the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity, mortality and expense fees, investment advisory fees, potential charges for and features of riders, limitations on interest returns, insurance and investment components, and market risk;

(b) the consumer would receive a benefit from the transaction;

(c) the particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of the purchase, exchange, or replacement of the annuity, and riders and similar product enhancements, if any, are suitable for the particular consumer based on the consumer's suitability information; and

(d) in the case of an exchange or replacement of an annuity, the exchange or replacement is suitable, including taking into consideration whether:

(i) the consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits, or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;

(ii) the consumer would benefit from product enhancements and improvements;

(iii) the consumer has had another annuity exchange or replacement and, in particular, an

exchange or replacement within the preceding 36 months; and

(iv) the transaction as a whole is suitable for the consumer based on the consumer's suitability information.

(2) Prior to the execution of a purchase, exchange, or replacement of an annuity resulting from a recommendation, an insurance producer or an insurer when an insurance producer is not involved shall make reasonable efforts to obtain the consumer's suitability information.

(3) Except as permitted under subsection (4), an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.

(4) (a) Except as provided under subsection (4)(b), an insurance producer or an insurer when an insurance producer is not involved does not have any obligation to a consumer under subsection (1) or (3) related to any annuity transaction if:

(i) no recommendation is made;

(ii) a recommendation is made but later found to have been prepared based on materially inaccurate information provided by the consumer;

(iii) the consumer refuses to provide relevant suitability information requested by the insurer or insurance producer and the annuity transaction is not recommended; or

(iv) the consumer decides to enter into an annuity transaction that is not based on a recommendation of the insurer or insurance producer.

(b) An insurer's or insurance producer's issuance of an annuity under subsection (4)(a) must be reasonable under all the circumstances actually known or which after reasonable inquiry should be known to the insurer or insurance producer at the time the annuity is issued.

(5) An insurance producer or an insurer when an insurance producer is not involved shall at the time of sale:

(a) make a record of any recommendation subject to subsection (1);

(b) obtain a statement signed by the consumer acknowledging the consumer's refusal to provide suitability information, if any; and

(c) if a consumer decides to enter into an annuity transaction that is not based on the insurance producer's or insurer's recommendation, obtain a statement signed by the consumer acknowledging that the annuity transaction is not recommended.

(6) An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its insurance producers' compliance with this section and, at a minimum, shall:

(a) maintain reasonable procedures to inform its insurance producers of the requirements of this section and shall incorporate the requirements of this section into relevant insurance producer training manuals;

(b) establish standards for insurance producer product training and maintain reasonable procedures to require its insurance producers to comply with the requirements of 33-20-807;

(c) provide product-specific training and training materials that explain all material features of its annuity products to its insurance producers;

(d) maintain procedures that are designed to ensure that there is a reasonable basis for determining that a recommendation is suitable for the consumer prior to issuance of an annuity. The review procedures must establish selection criteria for the purpose of identifying selected transactions for additional review.

(e) maintain reasonable procedures, such as confirmation of consumer suitability information, systematic consumer surveys, interviews, confirmation letters, and programs of

internal monitoring, to detect recommendations that are not suitable; and

(f) annually provide a report to senior management, including to the senior manager responsible for audit functions, that details a review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any.

(7) (a) An insurer may contract with a third party to establish and maintain a system of supervision as provided for in subsection (6).

(b) An insurer is responsible for taking appropriate corrective action and may be subject to ~~sanctions and~~ the penalties and procedures under 33-1-317 and 33-1-318 regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with subsection (7)(c).

(c) An insurer's supervision system under subsection (6) must include supervision of the performance of third parties under this subsection (7) and must include, at a minimum, the following:

(i) annually obtaining a certification from a director, officer, or principal of the third party that the third party is performing the required functions; and

(ii) monitoring and, as appropriate, conducting audits to ensure that the third parties are performing the required functions.

(8) An insurer is not required by this section to:

(a) review or provide for review of insurance producer solicited transactions not related to annuities; or

(b) include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer.

(9) An insurance producer or an insurer when an insurance producer is not involved may not dissuade or attempt to dissuade a consumer from:

(a) truthfully responding to an insurer's request for confirmation of suitability information;

(b) filing a complaint; or

(c) cooperating with the investigation of a complaint.

(10) (a) Insurers, insurance producers, and independent agencies shall maintain or must be able to make available to the commissioner records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for 5 years after the insurance transaction is completed by the insurer. An insurer is permitted, but is not required, to maintain documentation on behalf of an insurance producer.

(b) Records required to be maintained by this section may be maintained in paper, photographic, microprocess, magnetic, mechanical, or electronic media or by any process that accurately reproduces the actual document.""

Insert: "Section 9. Section 33-20-806, MCA, is amended to read:

"33-20-806. Mitigation of responsibility. (1) The commissioner may order:

(a) an insurer or insurance producer to take reasonably appropriate corrective action for any consumer harmed by the insurer's or insurance producer's violation of this part; or

(b) an insurance producer or independent agency that employs or contracts with another insurance producer to sell or solicit the sale of annuities to consumers to take reasonably appropriate corrective action for any consumer harmed by the other insurance producer's violation of this part.

(2) A violation of this part is an unfair trade practice under Title 33, chapter 18. ~~Fines~~ Penalties and procedures may be imposed pursuant to 33-1-317.""

Insert: "Section 10. Section 33-22-115, MCA, is amended to read:

"33-22-115. Provider agreement limited to covered services -- dental network constraints -- penalty -- definitions. (1) A provider agreement entered into or renewed on or after July 1, 2013, between dentists licensed under Title 37, chapter 4, and an issuer that offers an excepted benefits plan for limited-scope dental benefits or a health benefit plan that includes covered services may not:

(a) require the dentist to provide dental services to an individual covered under the excepted benefits plan or health benefit plan at a fee set by or subject to the approval of the issuer unless the dental services are covered services; or

(b) prohibit the dentist from offering or providing to an individual covered under the excepted benefits plan or health benefit plan any dental services that are not covered services. The fee for the noncovered services may be determined only under terms or conditions set by the dentist or negotiated by the dentist with the individual covered under the excepted benefits plan or health benefit plan.

(c) provide minimal coverage for covered services under the provider agreement for the sole purpose of avoiding the requirements of this section.

(2) A business entity that owns a network of health care providers and markets access to that network may not circumvent the terms of this section by making available to an issuer of an excepted benefits plan for limited-scope dental benefits or a health benefit plan that includes covered services any dentists in that network if the business entity sets dental services fees in its network for any services except covered services.

(3) An issuer of an excepted benefits plan for limited-scope dental benefits or a health benefit plan that includes covered services is subject to a fine or other procedure as provided in 33-1-317 for a violation of this section.

(4) For the purposes of this section, the following definitions apply:

(a) "Covered services" means dental care services provided under a plan for limited-scope dental benefits or a health benefit plan for which a payment is available subject to the application of contractual terms, including but not limited to annual or lifetime maximums, deductibles, copayments, coinsurance, waiting periods, frequency limitations, or alternative benefit reimbursement.

(b) "Issuer" includes an insurer, a health service corporation, or a third-party administrator that offers or administers an excepted benefits plan for limited-scope dental benefits or a health benefit plan that includes covered services.""

Insert: "Section 11. Section 33-38-108, MCA, is amended to read:

"33-38-108. Pharmacy discount card supplier requirements. (1) A pharmacy discount card supplier that sells, markets, promotes, or distributes, for a consideration, a pharmacy discount card in Montana:

(a) shall clearly and conspicuously disclose on all advertising, marketing materials, and enrollment materials that discounts offered through the use of a pharmacy discount card are not insurance and are not intended as a substitute for insurance;

(b) shall clearly and conspicuously disclose on all pharmacy discount cards that discounts offered through the use of the pharmacy discount card are not insurance;

(c) shall disclose, when a pharmacy discount card is sold in combination with a group

limited supplemental insurance policy, that discounts offered through the use of the pharmacy discount card are not insurance;

(d) may not, in the advertising or offering of the pharmacy discount card, use terms or phrases commonly associated only with insurance products that could lead a prospective purchaser or user of the card to believe that the pharmacy discount card is composed of insurance products or is a substitute for insurance, despite disclaimers to the contrary by the pharmacy discount card supplier;

(e) shall ensure that each prescription drug provider claimed by the pharmacy discount card supplier to offer a discount in conjunction with the pharmacy discount card is contractually bound to provide that discount to the purchaser or user;

(f) may not make misleading, deceptive, or fraudulent representations regarding a discount or range of discounts available through the use of a pharmacy discount card;

(g) shall provide to each prospective purchaser or user prior to purchase reasonable access to a list of the benefits and services provided through the use of a pharmacy discount card;

(h) shall provide a prospective purchaser or user prior to purchase access to a list of any prescription drug providers in the prospective purchaser's or user's service area;

(i) shall disclose in all enrollment materials that a pharmacy discount card purchaser or user has 30 days to cancel a pharmacy discount card as provided in 33-38-104;

(j) shall make available to each pharmacy discount card user continuously after purchase of a pharmacy discount card, through a toll-free telephone number, the internet, and in writing upon request, the name, address, and telephone number of each prescription drug provider in the user's service area, including mail order prescription drug providers, that are bound by contract to offer prescription drugs in accordance with the terms and conditions of the pharmacy discount card; and

(k) shall designate and provide the commissioner with the name, address, and telephone number of a pharmacy discount card compliance officer responsible for ensuring compliance with the provisions of this part applicable to pharmacy discount cards and pharmacy discount card suppliers.

(2) A person violating the provisions of subsection (1) is subject to the fine or other procedures provided for in 33-1-317.""

Insert: "NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 13. Applicability.** [This act] applies to all orders entered on or after [the effective date of this act], including orders relating to acts or practices that occurred before [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 85, introduced bill, be amended as follows:

1. Page 1, line 24 through line 25.

Strike: "the secretary of state" on line 24 through "commissioner of insurance" on line 25

Insert: "the commissioner of insurance may furnish the certificate verifying that the corporation has filed all applicable returns and that taxes have been paid through and including the corporation's final year of existence in Montana"

2. Page 3, line 14.
Following: "~~originals of~~ the"
Insert: "proposed"

3. Page 3, line 20.
Following: "reasons for the refusal."
Insert: "The commissioner shall forward the approved articles and the applicable fees to the secretary of state."

4. Page 3, line 23.
Following: "~~remaining set of~~"
Insert: "approved"

5. Page 4, line 15.
Following: "amendment's adoption"
Insert: "in articles of amendment"
Strike: "certificate"
Insert: "articles of amendment"

6. Page 4, line 18.
Strike: the first "certificate"
Insert: "articles of amendment"
Strike: the second "certificate"
Insert: "articles of amendment"
Strike: "amendments"
Insert: "the amendment"

7. Page 4, line 24.
Strike: "certificate does"
Insert: "the articles of amendment do"

8. Page 4, line 25.
Strike: "certificate"
Insert: "the articles of amendment"

9. Page 6, line 11.
Following: "must be approved."
Insert: "The commissioner shall forward the approved articles and the applicable fees to the secretary of state."

10. Page 6, line 23.
Following: "~~33-4-505~~"
Strike: "qualified" through "title"
Insert: "obtained a certificate of authority as provided in 33-4-505"

11. Page 10, line 18.
Strike: "secretary of state shall"
Insert: "authorized insurance company may"

And, as amended, do pass. Report adopted.

HB 91, do pass. Report adopted.
HB 107, do pass. Report adopted.
HB 160, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Brown, Chair): 1/24/2019
HB 29, do pass. Report adopted.

HUMAN SERVICES (Lenz, Chair): 1/24/2019
HB 86, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "REQUIRING ELECTRONIC" on line 7 through "CIRCUMSTANCES;" on line 8
Strike: "FIRST-TIME OPIOID" on line 8
Following: "PRESCRIPTIONS"
Insert: "FOR OPIOID-NAIVE PATIENTS"
Strike: "5-DAY"
Insert: "7-DAY"

2. Title, page 1, line 14.
Following: "DATES"
Insert: "AND A TERMINATION DATE"

3. Page 2, line 11 through page 3, line 8.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 3, line 10.
Strike: "first-time opioid"
Following: "prescriptions"
Insert: "for opioid-naive patients"

5. Page 3, line 11 through line 12.
Following: "practitioner" on line 11
Strike: ", a naturopath" on line 11 through "agreement" on line 12
Insert: "or a naturopathic physician"
Strike: "for the first time to a"
Insert: "to an opioid-naive"

6. Page 3, line 13.

Strike: "5-day"
Insert: "7-day"

7. Page 3, line 15.
Following: "judgment of the"
Insert: "medical"
Following: "practitioner"
Strike: ", naturopath, or pharmacist"
Insert: "or naturopathic physician"

8. Page 3, line 16.
Strike: "5-day"
Insert: "7-day"

9. Page 3, line 25.
Strike: "5"
Insert: "7"

10. Page 3, line 29.
Strike: "or"
Insert: "(5) the patient is being treated for chronic pain and the prescriber reviews the patient's records under the prescription drug registry every 3 months; or"
Renumber: subsequent subsection

11. Page 4, line 5.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

12. Page 4, line 19.
Strike: ""Naturopath""
Insert: ""Naturopathic physician""

13. Page 4.
Following: line 21
Insert: "(10) "Opioid-naive patient" means a patient who has not been prescribed a drug containing an opioid in the 90 days prior to the acute event or surgery for which an opioid is prescribed."

14. Page 5, line 17.
Strike: "[Sections 2 and 3] are"
Insert: "[Section 2] is"

15. Page 5, line 18.
Strike: "[sections 2 and 3]"
Strike: "[section 2]"

16. Page 5, line 19.
Following: "[Section"
Strike: "4"
Insert: "3"

17. Page 5, line 20.
Following: "[section"
Strike: "4"
Insert: "3"

18. Page 5, line 24.
Strike: "[Sections 2 and 4] are"
Insert: "[Section 3] is"

19. Page 5, line 25.
Insert: "NEW SECTION. **Section 8. Termination.** [Section 2] terminates June 30, 2025."

And, as amended, do pass. Report adopted.

HB 186, introduced bill, be amended as follows:

1. Page 2, line 24.
Insert: "NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Doane, Chair): 1/25/2019
HB 244, do pass. Report adopted.
HB 245, do pass. Report adopted.

LOCAL GOVERNMENT (Custer, Chair): 1/24/2019
HB 19, do pass. Report adopted.
HB 169, do pass. Report adopted.

STATE ADMINISTRATION (Mandeville, Chair): 1/25/2019
HB 126, do pass. Report adopted.
HB 128, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "EMPLOYER"
Insert: "AND EMPLOYEE"

2. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS 19-8-502 AND"

3. Page 1.
Following: line 9
Insert: "Section 1. Section 19-8-502, MCA, is amended to read:

"19-8-502. Member's contribution. (1) Each member's contribution is ~~10.56%~~ 11% of the member's compensation.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and the member's compensation as used to define the member's highest average compensation in 19-8-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 137, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "OCTOBER 20"
Insert: "THE DAY IN OCTOBER DESIGNATED AS NATIONAL PRESCRIPTION DRUG TAKE-BACK DAY"

2. Page 1, line 16.
Strike: "October 20"
Insert: "The day in October designated as national prescription drug take-back day"

And, as amended, do pass. Report adopted.

HB 139, introduced bill, be amended as follows:

1. Page 2, line 6.
Strike: "Printed"
Insert: "All"

2. Page 2, line 11.
Following: "resolution."
Insert: "For the purposes of this subsection (3)(a)(iii), the first clause of the bill or resolution's title or a concise abbreviation of the title's substance is sufficient."

3. Page 2, line 12.
Strike: "Printed"
Insert: "All"

And, as amended, do pass. Report adopted.

HB 166, do pass. Report adopted.
HB 183, do pass. Report adopted.
HB 234, do pass. Report adopted.

TAXATION (Redfield, Chair): 1/25/2019
HB 200, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "15-24-202"
Insert: ", 15-24-206, 15-24-208, 15-24-210,"

2. Page 2, line 16.
Insert: "Section 2. Section 15-24-206, MCA, is amended to read:

"15-24-206. Declaration of destination on imported mobile homes and manufactured homes -- display -- tax receipt -- exemptions. (1) A person who brings a mobile home, ~~or~~ manufactured home, or housetrailer into the state shall immediately upon arrival in the state execute a written declaration, verified under oath, stating the destination of the mobile home, ~~or~~ manufactured home, or housetrailer and any other information the department of revenue may require and shall deliver the original of the declaration to whomever is on duty at the nearest port of entry station, state vehicle weight station, or other place the department may prescribe. The person shall also immediately upon arrival in the state affix a copy of the declaration to the mobile home, ~~or~~ manufactured home, or housetrailer at a conspicuous place.

(2) The treasurer shall issue the mobile home, ~~or~~ manufactured home, or housetrailer movement declaration provided for in this section to a person required by this section to execute it, in quantities the person requests to a maximum of 100. The treasurer shall issue additional quantities of the declaration to a maximum of 100 as the person requests at the discretion of the county treasurer upon receipt from the person of the previously issued declarations properly executed. Executed declarations must be delivered to the treasurer within 30 days from their issue.

(3) A person who moves a mobile home, ~~or a~~ manufactured home, or housetrailer from a point within the state to another point within or outside of the state shall first:

(a) execute the declaration provided for in subsection (1), deliver the original of it to the treasurer of the county in which the move originates or to any other person the department prescribes, and affix a copy of it in a conspicuous place on the mobile home, ~~or~~ manufactured home, or housetrailer to be moved;

(b) obtain from the county treasurer of the county in which the move originates a receipt showing:

(i) payment in full of property taxes with respect to that mobile home, ~~or~~ manufactured home, or housetrailer; or

(ii) payment of the property taxes provided for in 15-24-209.

(4) The provisions of subsection (3)(b) do not apply whenever a person moves a mobile home, ~~or~~ manufactured home, or housetrailer:

(a) from a point outside of to a point within the state;

(b) between places of business of dealers within or outside of the state;

(c) from the place of business of a dealer to a point within or outside of the state; or

(d) pursuant to the repossession of a mobile home, ~~or~~ manufactured home, or housetrailer, unless the treasurer has furnished the lienholder or secured party with timely notice of the delinquent tax due when information has been requested under 15-24-202(2).""

Insert: "Section 3. Section 15-24-208, MCA, is amended to read:

"15-24-208. Penalty for moving mobile home or manufactured home on which taxes due. Any person who moves a mobile home, ~~or~~ manufactured home, or housetrailer on which property taxes are unpaid is guilty of a misdemeanor.""

Insert: "Section 4. Section 15-24-210, MCA, is amended to read:

"15-24-210. Notice of impending sale to certain lienholders. After entry of a notation by a county treasurer concerning a mobile home, ~~or~~ manufactured home, or housetrailer that is not taxed as an improvement to real property but before directing the sheriff to make a levy and sale on the mobile home, ~~or~~ manufactured home, or housetrailer, the treasurer shall notify a person who has a properly perfected security interest in the mobile home, ~~or~~ manufactured home, or housetrailer and who has furnished the treasurer a copy of the instrument by which the interest was perfected of the levy and sale. The notice must state that the sheriff may soon be requested to make a levy and sale on the mobile home, ~~or~~ manufactured home, or housetrailer.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 201, introduced bill, be amended as follows:

1. Page 3, line 9.
Strike: "(Notice expires 60 days from date of notice)"

2. Page 3, line 10.
Following: line 9
Insert: "Date tax lien will be purchased if delinquent taxes are not paid....."

3. Page 3, line 14.
Following: line 13
Insert: "....."
Printed name of company (if applicable)"

And, as amended, do pass. Report adopted.

HB 213, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "IMMEDIATE"

2. Page 3, line 21.
Strike: "for a barrel of west Texas intermediate crude oil"
Insert: "reported and received by the producer for Montana oil marketed"
Following: "$54"
Insert: "a barrel"

3. Page 3, line 26.
Following: "$54"
Insert: "a barrel"

4. Page 4, line 19.
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/23/2019

SB 2, introduced by M. MacDonald
SB 14, introduced by D. Brown
SB 25, introduced by M. Blasdel
SB 28, introduced by T. Richmond
SB 42, introduced by J. Cohenour
SB 51, introduced by D. Barrett
SB 56, introduced by J. Ellis
SB 57, introduced by J. Ellis
SB 63, introduced by D. Sands
SB 67, introduced by B. Gillespie
SB 75, introduced by G. Vuckovich
SB 90, introduced by N. McConnell

House bill concurred in and returned to the House: 1/23/2019

HB 1, introduced by C. Glimm

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 296, introduced by C. Knudsen, B. Beard, M. Blasdel, B. Brown, G. DeVries, A. Doane, J. Dooling, D. Dunn, R. Fitzgerald, W. Galt, B. Grubbs, S. Hinebauch, M. Hopkins, T. Jacobson, J. Kassmier, J. Keane, C. Keogh, R. Knudsen, D. Lenz, F. Mandeville, T. Manzella, B. Mercer, S. Morigeau, D. Mortensen, Z. Perry, G. Pierson, R. Shaw, L. Sheldon-Galloway, D. Skees, B. Tschida, B. Usher, P. Webb, T. Welch, D. Zolnikov, referred to Judiciary.
HB 297, introduced by F. Fleming, B. Beard, R. Garcia, D. Lenz, B. Mercer, B. Usher, referred to Judiciary.
HB 298, introduced by C. Pope, J. Bahr, M. Caferro, M. Funk, B. Grubbs, J. Keane, K. Kelker, S. Morigeau, C. Schreiner, R. Shaw, S. Stewart Peregoy, S. Vinton, J. Windy Boy, referred to Education.
HB 299, introduced by J. Krotkov, F. Anderson, B. Bessette, C. Boland, R. Fitzgerald, B. Hamlett, L. Sheldon-Galloway, referred to Local Government.
HB 301, introduced by D. Loge, D. Fern, referred to Fish, Wildlife and Parks.

The following Senate bills were introduced, read first time, and referred to committees:

SB 2, introduced by M. MacDonald (by request of the Local Government Interim Committee), referred to Local Government.
SB 14, introduced by D. Brown (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 25, introduced by M. Blasdel (by request of the Department of Justice), referred to Business and Labor.
SB 28, introduced by T. Richmond, referred to Taxation.
SB 42, introduced by J. Cohenour (by request of the Department of Revenue), referred to Taxation.
SB 51, introduced by D. Barrett (by request of the Department of Transportation), referred to Transportation.
SB 56, introduced by J. Ellis (by request of the Department of Livestock), referred to Agriculture.
SB 57, introduced by J. Ellis (by request of the Department of Livestock), referred to Agriculture.
SB 63, introduced by D. Sands (by request of the Board of Funeral Service), referred to Business and Labor.
SB 67, introduced by B. Gillespie (by request of the Department of Livestock), referred to Agriculture.
SB 75, introduced by G. Vuckovich (by request of the Board of Public Accountants), referred to Business and Labor.
SB 90, introduced by N. McConnell, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Glimm in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 55 - Representative Mandeville moved **HB 55** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 96

Nays: Fitzgerald, Loge, Morigeau.
Total 3

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: Hamilton.
Total 1

HB 73 - Representative Dudik moved **HB 73** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith,

Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 83

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Fuller, Galloway, Glimm, Kassmier, Knudsen R, Mandeville, Manzella, Noland, Tschida, Usher, Vinton.
Total 17

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 123 - Representative Doane moved **HB 123** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: Holmlund.
Total 1

HB 124 - Representative Mandeville moved **HB 124** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling,

Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Fitzgerald.
Total 1

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 136 - Representative Dudik moved **HB 136** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 96

Nays: Glimm, Noland, Vinton, White.
Total 4

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 175 - Representative Dooling moved **HB 175** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Vinton, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 91

Nays: Berglee, Burnett, DeVries, Fuller, Manzella, Redfield, Regier, Usher, White.
Total 9

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 198 - Representative Duram moved **HB 198** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Aye.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Bachmeier, Glimm.
Total 2

Voted absentee: None.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 61 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson,

Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 71 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

HB 156 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling,

Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Monday, January 28, 2019. Motion carried.

House adjourned at 1:38 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

GREG HERTZ
Speaker of the House

HOUSE JOURNAL
66TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — House Chambers
January 28, 2019 — State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mortensen and Windy Boy, excused. Quorum present.

BILLS (Ricci, Chair): 2/28/2019

Correctly printed: **HB 29**, **HB 50**, **HB 51**, **HB 55**, **HB 59**, **HB 64**, **HB 66**, **HB 73**, **HB 91**, **HB 102**, **HB 107**, **HB 123**, **HB 124**, **HB 126**, **HB 136**, **HB 151**, **HB 160**, **HB 166**, **HB 175**, **HB 183**, **HB 198**, **HB 234**, **HB 244**, **HB 245**, **HB 296**, **HB 297**, **HB 298**, **HB 299**, **HB 301**.
Transmitted to the Senate: **HB 55**, **HB 73**, **HB 123**, **HB 124**, **HB 136**, **HB 175**, **HB 198**.
Signed by the President at 8:45 a.m., January 28, 2019: **HB 1**.
Delivered to the Governor for approval at 10:40 a.m., January 28, 2019: **HB 1**.

LEGISLATIVE ADMINISTRATION (Ricci, Chair): 1/28/2019

MR. SPEAKER:
We, your committee on Legislative Administration recommend employment of the following pages of the House cease as of 5:00 p.m., Friday, January 25, 2019:

Dana Baskett, Livingston
Athena Haka, Broadview
Nicholas Konen, Fairfield
Anne Marie Luehr, Helena
Tom Melgren, Helena
Trevor Westervelt, Columbus

and recommend that the following pages of the House be employed as of 1:00 p.m., Monday, January 28, 2019:

Jason Hernandez, Bozeman
Hannah Musczkiewicz, Helena
Thomas Penley, Helena
Cael Ricci, Billings

Report Adopted.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair): 1/25/2019
HB 35, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "16-4-204,"
Insert: "16-4-207,"

2. Title, page 1, line 12.
Following: "IMMEDIATE EFFECTIVE DATE"
Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 17.
Following: "(1)"
Insert: "(a)"

4. Page 1, line 19.
Following: "apply for the license."
Insert: "The department shall use a competitive bidding process when:

(i) a new license becomes available in a quota area where a license of the same type is not currently available in the quota area;

(ii) the opportunity to transfer a license into a quota area becomes available where a license of the same type is not currently available in the quota area;

(iii) the lapse, revocation, or issuance of a license within the quota area where the license is located has created the last remaining license for that license type in the quota area; or

(iv) the department's denial of an application for licensure or an applicant's withdrawal of an application for licensure has created the last remaining license for that license type in a quota area.

(b)"

5. Page 1, line 20.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

6. Page 1, line 26.
Following: "(2)"
Insert: "(a)"

7. Page 1, line 27.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

8. Page 1, line 29.
Following: "bid amount."
Insert: "The financial institution may issue the irrevocable letter of credit in the name of the bidder, if the bidder is a business entity, or in the name of an individual who is an owner of the business entity."

9. Page 1.
Following: line 29
Insert: "(b) The department shall contact any bidder whose timely submitted bid form has a deficiency and shall provide that bidder with an opportunity to resubmit the bid form within 5 business days to correct any deficiency."

10. Page 2, line 4.
Following: "bid amount."
Insert: "The financial institution may issue the irrevocable letter of credit in the name of the bidder, if the bidder is a business entity, or in the name of an individual who is an owner of the business entity."

11. Page 2, line 25.
Strike: "5 years"
Insert: "1 year"

12. Page 2, line 27.
Following: "proposes a location for the license"
Insert: "within the first year of operation"

13. Page 3, lines 7 through 8.
Following: "A license issued under this section is not"
Strike: "a qualification" on line 7 through "issued pursuant to this section" on line 8
Insert: "eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6"

14. Page 4, line 7.
Following: "boundary of the city of town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(i) the county boundary within which the incorporated city or incorporated town is located; or

(ii) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

15. Page 4.
Following: line 21
Insert: "(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017,

within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

16. Page 5, line 5.
Strike: "(6)"
Insert: "(7)"

17. Page 5, line 9.
Following: "existing licenses"
Insert: "or licenses that resulted from applications in process"

18. Page 5, line 11.
Following: "were part of"
Strike: "a"
Insert: "the"

19. Page 6.
Following: line 26
Insert: "(5) Except as provided in subsection (2)(b), when more than one new beer license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

20. Page 7, line 7 through line 8.
Strike: subsection (7) in its entirety
Insert: "(8) An applicant for a license issued through a competitive bidding process in [section 1] shall pay a $25,000 new license fee and in subsequent years pay the annual fee for the license as provided in 16-4-501."

21. Page 10, line 27.
Following: "boundary of the city or town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(a) the county boundary within which the incorporated city or incorporated town is located; or

(b) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

22. Page 11.
Following: line 11
Insert: "(iii) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017,

within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

23. Page 11, line 12.
Following: "existing licenses"
Insert: "or licenses that resulted from applications in process"

24. Page 11, line 14.
Following: "were part of"
Strike: "a"
Insert: "the"

25. Page 11.
Following: line 19
Insert: "(6) Except as provided in subsection (5), when more than one new all-beverages license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

26. Page 12, line 3.
Following: "under subsection"
Strike: "(8)"
Insert: "(9)"

27. Page 17.
Following: line 3
Insert: "Section 5. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- investigation -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer the location of a retail license, the department shall review the application for completeness and, based upon review of the application and any other information supplied to the department, determine whether the applicant or the premises to be licensed meets criteria provided by law. The department may make one request for additional information necessary to complete the application. The application is considered complete when the applicant furnishes the application information requested by the department. When the application is complete, the department of justice shall investigate the application as provided in 16-4-402. When the department determines that an application for a license under this code is complete, the department shall publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail on-premises license or a transfer of location and that protests may be made against the approval of the application by residents of the county from which the application comes, residents of adjoining Montana counties, or residents of adjoining counties in another state if the criteria in subsection (4)(d) are met. Protests must be mailed to the department within 10 days after the final notice is published. Notice of application for

a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of ownership or location of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL
ALL-BEVERAGES LICENSE

Notice is given that on the ..... day of ....., 20..., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue to be used at (describe location of premises where beverages are to be sold). Residents of ..... counties may protest against the approval of the application. Each protestor is required to mail a letter that contains in legible print the protestor's full name, mailing address, and street address. Each letter must be signed by the protestor. A protest petition bearing the names and signatures of persons opposing the approval of an application may not be considered as a protest. Protests may be mailed to ....., department of revenue, Helena, Montana, on or before the ..... day of ....., 20.....

Dated .....

Signed

.....

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) (a) If the department receives no written protests, the department may approve the application without holding a public hearing.

(b) A response to a notice of opportunity to protest an application may not be considered unless the response is a letter satisfying all the requirements contained in the notice in subsection (1).

(c) If the department receives sufficient written protests that satisfy the requirements in subsection (1) against the approval of the application, the department shall hold a public hearing as provided in subsection (4).

(4) (a) If the department receives at least one protest but less than the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c), the department shall schedule a public hearing to be held in Helena, Montana, to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405, exclusive of public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(b) If the department receives the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c) and the application is for an original license or for a transfer of location, the department shall schedule a public hearing to be held in the county of the proposed location of the license to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405 including public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(c) The minimum number of protests necessary to initiate a public hearing to determine whether an application satisfies the requirements for public convenience and necessity, as specified in 16-4-203, for the proposed premises located within a quota area described in 16-4-201 must be 25% of the quota for all-beverages licenses determined for that quota area according to 16-4-201(1), (2), and ~~(8)~~ (9) but in no case less than two. The minimum number of protests determined in this manner will apply only to applications for either on-premises consumption beer

or all-beverages licenses.

(d) A resident of a county in another state that adjoins the county in Montana from which an application comes may protest an application only if the county or state of residence of the person has certified to the department that a similarly situated Montana resident would be able to make formal protest of a liquor license application in that state or county. The department may, by rule, establish how the certification is to be made.""

Renumber: subsequent sections

28. Page 17, line 11.
Strike: "(5)"
Insert: "(6)"

29. Page 23, line 13.
Strike: "(13)"
Insert: "(14)"

30. Page 25, line 19.
Following: "each city or town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(A) the county boundary within which the incorporated city or incorporated town is located; or

(B) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

31. Page 25.
Following: line 30
Insert: "(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

32. Page 26, line 6.
Following: "were part of"
Strike: "a"
Insert: "the"

33. Page 26.
Following: line 10
Insert: "(10) Except as provided in subsection (9)(b), when more than one new restaurant beer and wine license becomes available at the same time in the same quota area, the department

shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

34. Page 26, line 16.
Strike: "(10)"
Insert: "(11)"

35. Page 34, line 9 through line 10.
Following: "[section 1]"
Strike: "may not offer gambling"
Insert: "is not eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6"

36. Page 34.
Following: line 18
Insert: "NEW SECTION. **Section 14. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to existing licenses or licenses that resulted from applications in process for alcohol licenses as of November 24, 2017."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/24/2019

SB 41, introduced by T. Richmond
SB 76, introduced by B. Hoven

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 302, introduced by G. DeVries, B. Beard, B. Brown, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, R. Garcia, C. Glimm, S. Greef, C. Knudsen, R. Knudsen, T. Manzella, M. Noland, J. Read, A. Redfield, D. Skees, P. Webb, referred to Judiciary.
HB 303, introduced by G. DeVries, C. Knudsen, referred to Education.
HB 304, introduced by S. Morigeau, referred to Judiciary.
HB 305, introduced by T. Winter, W. McKamey, C. Schreiner, referred to State Administration.
HB 306, introduced by B. Usher, N. Duram, F. Fleming, F. Garner, referred to Judiciary.
HB 307, introduced by J. Bachmeier, G. Custer, J. Krautter, S. Malek, W. McKamey, referred to State Administration.
HB 308, introduced by J. Bachmeier, G. Custer, J. Krautter, S. Malek, referred to State Administration.
HB 309, introduced by K. Dudik, D. Sands, referred to Judiciary.

HB 310, introduced by D. Hayman, K. Abbott, K. Dudik, J. Ellis, J. Hamilton, J. Krotkov, W. Sales, referred to State Administration.
HB 311, introduced by K. White, Z. Brown, referred to Fish, Wildlife and Parks.
HB 312, introduced by M. Dunwell, F. Anderson, M. Caferro, G. Custer, R. Farris-Olsen, D. Fern, J. Hamilton, J. Krautter, A. Olsen, G. Pierson, T. Runningwolf, M. Weatherwax, E. McClafferty, referred to Business and Labor.
HB 313, introduced by A. Olsen, K. Abbott, J. Bachmeier, B. Bessette, M. Caferro, M. Dunwell, R. Farris-Olsen, D. Fern, M. Funk, B. Hamlett, D. Harvey, D. Hayman, C. Keogh, J. Krautter, R. Lynch, M. Marler, D. Mortensen, R. Peppers, T. Runningwolf, B. Smith, S. Stewart Peregoy, M. Weatherwax, T. Winter, referred to Business and Labor.
HB 314, introduced by T. Woods, D. Zolnikov, referred to Energy, Technology and Federal Relations.
HB 315, introduced by J. Keane, referred to Appropriations.
HB 316, introduced by K. White, B. Hamlett, M. Hopkins, referred to State Administration.
HB 317, introduced by J. Keane, referred to Legislative Administration.
HB 318, introduced by F. Garner, referred to State Administration.
HB 319, introduced by T. Winter, referred to State Administration.
HB 320, introduced by B. Mercer, referred to Business and Labor.
HB 321, introduced by F. Anderson, referred to Local Government.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 8, introduced by K. Dudik, F. Anderson, D. Ankney, D. Bedey, S. Berglee, K. Bogner, E. Buttrey, N. Duram, J. Fuller, F. Garner, T. Gauthier, W. McKamey, A. Olszewski, G. Pierson, D. Sands, R. Shaw, F. Smith, M. Weatherwax, referred to State Administration.
HJR 9, introduced by K. Kelker, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 41, introduced by T. Richmond (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 76, introduced by B. Hoven (by request of the Department of Transportation), referred to Transportation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 115 - Majority Leader Tschida moved consideration of **HB 115** be passed for the day. Without objection, so ordered.

HB 37 - Representative Loge moved **HB 37** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Doane, Noland.
Total 2

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 47 - Representative T. Moore moved **HB 47** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Zolnikov, Mr. Speaker.
Total 99

Nays: Woods.
Total 1

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 56 - Representative Keane moved **HB 56** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 78 - Representative Perry moved **HB 78** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galloway, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 88

Nays: Burnett, DeVries, Doane, Fuller, Galt, Glimm, Kassmier, Knudsen C, Mercer, Noland, Redfield, Tschida.
Total 12

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 110 - Representative Lynch moved **HB 110** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Kerr-Carpenter, Moore E, Vinton.
Total 3

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 119 - Representative Loge moved **HB 119** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Burnett, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Garcia, Garner, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Runningwolf, Ryan,

Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Welch, Windy Boy, Winter, Woods.
Total 64

Nays: Anderson, Bartel, Beard, Berglee, Brown B, Buttrey, DeVries, Doane, Dooling, Dunn, Fleming, Galloway, Galt, Glimm, Greef, Hopkins, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Manzella, Moore E, Mortensen, Noland, Redfield, Regier, Ricci, Skees, Tschida, Usher, Vinton, Webb, White, Zolnikov, Mr. Speaker.
Total 36

Voted absentee: Windy Boy, Aye; Mortensen, No.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 145 - Representative Zolnikov moved **HB 145** do pass. Motion carried as follows:

Yeas: Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Kelker, Keogh, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 93

Nays: Abbott, Caferro, Keane, Kerr-Carpenter, Olsen, Ryan, Schreiner.
Total 7

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 155 - Representative C. Knudsen moved **HB 155** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette,

Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Ryan.
Total 1

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 206 - Representative Garner moved **HB 206** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 237 - Representative Krotkov moved **HB 237** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Garcia, Garner, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Marler, McKamey, Moore E, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Windy Boy, Winter, Woods.
Total 66

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Doane, Dooling, Dunn, Fleming, Galloway, Galt, Glimm, Greef, Gunderson, Hopkins, Kassmier, Knudsen C, Knudsen R, Lenz, Mandeville, Manzella, Mercer, Mortensen, Noland, Redfield, Regier, Skees, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 34

Voted absentee: Windy Boy, Aye; Mortensen, No.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HJR 5 - Representative Dudik moved **HJR 5** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Manzella, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 92

Nays: Beard, Glimm, Knudsen R, Mandeville, Noland, Redfield, Tschida.
Total 7

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: Marler.
Total 1

SB 62 - Representative Holmlund moved **SB 62** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Skees.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 55 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Fitzgerald.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 73 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Funk, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Marler, McKamey, Mercer, Moore E,

Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov.
Total 77

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Fleming, Fuller, Galloway, Glimm, Hopkins, Kassmier, Knudsen R, Mandeville, Manzella, Noland, Read, Skees, Usher, Vinton, Mr. Speaker.
Total 21

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 123 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 124 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Fitzgerald.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 136 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 95

Nays: Glimm, Noland, Webb.
Total 3

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 175 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, Winter, Woods, Zolnikov, Mr. Speaker.
Total 91

Nays: Burnett, DeVries, Fuller, Manzella, Redfield, Regier, White.
Total 7

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 198 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Tschida moved the Speaker be authorized to appoint a Special Joint Select Committee for the sole purpose of meeting with Montana's major hospitals.

1/28/2019

Without objection, Speaker Hertz appointed the following members:
Representative E. Moore
Representative Buttrey
Representative Caferro
Representative Pierson.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 293**. Motion carried.

HB 293 (W. Galt, Chief Sponsor)
Malek.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Tuesday, January 29, 2019. Motion carried.

House adjourned at 2:00 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

GREG HERTZ
Speaker of the House

MINUTES

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Mike Lang, on February 13, 2019 at 3:03 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Mike Lang, Chair (R)
Sen. Terry Gauthier, Vice Chair (R)
Sen. Gene Vuckovich, Vice Chair (D)
Sen. Margaret (Margie) MacDonald (D)
Sen. Nate McConnell (D)
Sen. Jon C. Sesso (D)
Sen. Roger Webb (R)

Members Excused: Sen. Jason W. Ellsworth (R)
Sen. Steve Fitzpatrick (R)

Members Absent: None

Staff Present: Toni Henneman, Legislative Branch
Jack Racicot, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 123, 1/31/2019; HB 124, 1/31/2019

Executive Action: HB 123 - Be Concurred In
HB 124 - Be Concurred In

HEARING ON HB 123

Opening Statement by Sponsor:
15:04:56 Rep. Alan Doane (R), HD 36, opened the hearing on HB 123, Generally revise sewer district laws.

Proponents' Testimony:
15:05:32 Dennis Zander, commissioner, Dawson County
15:07:23 Jason Rittal, Montana Association of Counties (MACo)
EXHIBIT(los30a01)

15:09:05 Ron Devlin, Dawson County
15:09:45 Bob Gilbert, City of Glendive; Montana League of Cities and Towns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
15:10:40 Rep. Doane

HEARING ON HB 124

Opening Statement by Sponsor:
15:11:18 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 124, Authorize county commissioners to lift agricultural covenants -limited situation.

Proponents' Testimony:
15:13:55 Shane Gorder, commissioner, Richland County
15:15:04 Tara DePuy, land use attorney, Montana Association of Counties (MACo)
EXHIBIT(los30a02)

15:18:36 Tom Halvorson, civil attorney Board of County Commissioners, Richland County
15:19:39 Loren Young, Richland County

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:20:15 Sen. Sesso
15:20:47 Ms. DePuy, MACo
15:20:51 Sen. Sesso
15:21:09 Ms. DePuy
15:21:42 Sen. Sesso
15:21:55 Ms. DePuy
15:22:32 Sen. Sesso

15:22:53 Ms. DePuy
15:23:01 Sen. Sesso
15:23:20 Ms. DePuy
15:23:41 Sen. Sesso
15:24:16 Ms. DePuy
15:25:10 Chair Lang

Closing by Sponsor:
15:25:28 Rep. Mandeville

15:26:20 Sen. Webb left the room.

EXECUTIVE ACTION ON HB 123

15:28:03 **Motion/Vote:** Sen. Gauthier moved that **HB 123 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Ellsworth, Sen. Fitzpatrick and Sen. R. Webb voted by proxy. Sen. Hinebauch will carry the bill.

EXECUTIVE ACTION ON HB 124

15:28:43 **Motion:** Sen. Gauthier moved that **HB 124 BE CONCURRED IN**.

Discussion:
15:28:49 Sen. Sesso
15:29:48 Chair Lang

15:30:04 **Vote:** Motion carried unanimously by voice vote. Sen. Ellsworth, Sen. Fitzpatrick and Sen. R. Webb voted by proxy. Sen. Lang will carry the bill.

15:30:22 Chair Lang
15:30:29 Toni Henneman, Legislative Service Division, LSD
15:30:50 Chair Lang
15:30:55 Sen. Sesso
15:31:02 Ms. Henneman
15:31:10 Chair Lang
15:31:14 Ms. Henneman
15:31:18 Chair Lang

ADJOURNMENT

Adjournment: 3:31 PM

_____
Jack Racicot, Secretary

jr

Additional Documents:

EXHIBIT(los30aad.pdf)

Senate Local Govt. Comm.
Exhibit No. (2)
Date 02/13/2019
Bill No. HB 124

HB 124 - Lifting of Ag Covenants in Limited Situations

Written Testimony in Support **Tara DePuy, Land Use Attorney, MACo/PCT**

Date: February 13, 2019 **Senate Local Government Committee**

Purpose of HB 124: The purpose of HB 124 is to authorize the lifting of an agricultural covenant when either the agricultural covenanted tract is aggregated back into the original tract of record or when the agricultural covenanted tract will be used for a public purpose. Agricultural covenants are an allowed exemption from subdivision review when there is a division of land less than 160 acres, if the agricultural covenant is not an attempt to evade subdivision review. The agricultural covenant is a written document approved by the governing body and recorded with the Clerk and Recorder which restricts the use of the land to agricultural uses only with no sanitation facilities. The change in the use of the tract of land to anything other than agricultural uses requires subdivision review as a minor subdivision.

Background: This bill is arises from a MACo resolution that was approved by the entire body of county commissioners at the MACo annual conference last fall. The bill was requested by Richland County. Richland County has numerous agricultural covenant exemptions that were approved in the 1980's and came to light in the Bakken boom as these lands were transferred and the intended use was something other than an agricultural use. A local rural electric power company had to remove an agricultural covenant in order to build a substation which cost the company and its members a lot of money.

Text of Bill:

New Section 1 will be codified within Title 76, Chapter 3, part 2. The requirement that the lifting of an agricultural covenant requires subdivision review under part 5 and 6 of the Montana Subdivision and Platting Act is not new to this exemption, but the new section allows in certain limited situations for an agricultural covenant to be lifted by the governing body without subdivision review.

- The first situation is where the agricultural covenanted tract will be aggregated with the original tract of land, in essence removing the "division of land" that occurred when the agricultural covenant was granted.

- The second situation is when a government or public entity seeks to use the agricultural covenanted tract for a public purpose. A public entity is an entity, such as a corporation or partnership, which provides a public service. "Public purpose" will be defined by each jurisdiction in their subdivision exemption review criteria authorized by 76-3-504(1)(p). However, before the governing body can lift an agricultural covenant for a public purpose the governing body must hold a public hearing to receive public comment and then issue written findings of fact based on the record. The approval is then recorded with the Clerk and Recorder to clear the agricultural covenant from that tract of land.

The changes in Section 2 are to clarify that the agricultural covenant is a covenant entered into between a landowner and the governing body and that the agricultural covenant runs with the land and requires the divided land to be used exclusively for agricultural purposes, subject to New Section 1's provisions. The words "mutual consent" are specifically deleted as the words are a misnomer and confusing; in the 2009 legislature 76-3-207 was amended to make it clear that in order to lift an agricultural covenant subdivision review was required and the words "mutual consent" should have been struck at that time. Section (2)(b) is deleted as that language is now found in New Section 1.

On behalf of MACo, we ask that you vote in favor of this bill and move it to the Senate floor.

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

Roll Call

Standing Committee Reports

Table Bills

Fiscal reports

Tabled Bills

Roll Call Votes

Proxies

Witness Statements

Informational items

Visitor Registrations

Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Wednesday, February 13, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 405

BILLS and RESOLUTIONS HEARD:

HB 123 - Generally revise sewer district laws - Rep. Alan Doane
HB 124 - Authorize county commissioners to lift agricultural covenants -limited situation - Rep. Forrest Mandeville

EXECUTIVE ACTION TAKEN: HB 123 - Be Concurred In
HB 124 - Be Concurred In

Comments:

Senator Mike Lang

SEN. Mike Lang, Chair

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT COMMITTEE

DATE: 2/13, 2019

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Lang	X	
Vice Chair Gauthier	X	
Vice Chair Vuckovich	X	
Senator Ellsworth		X
Senator Webb	X	
Senator Fitzpatrick		X
Senator MacDonald	X	
Senator McConnell	X	
Senator Sesso	X	

9 Committee Members

SENATE STANDING COMMITTEE REPORT

February 13, 2019

Mr. President:

We, your committee on **Local Government** report that **House Bill 123** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Mike Lang, Chair

To be carried by Senator Steve Hinebauch

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

HB0123004SC17591.slk

SENATE STANDING COMMITTEE REPORT

February 13, 2019

Mr. President:

We, your committee on **Local Government** report that **House Bill 124** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Mike Lang, Chair

To be carried by Senator Mike Lang

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

HB0124002SC15245.slk

SENATE PROXY

I, Senator Rogue Webb, hereby authorize Senator Santucci to vote my proxy before the Senate Local Government Committee meeting held on 2-13-2019, 2019.

Senator Signature

2-13-2019
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 123	/	
HB 124	/	

SENATE PROXY

I, Senator Steve Fitzpatrick, hereby authorize Senator _____ to vote my proxy before the Senate Local Government Committee meeting held on 2-13-2019, 2019.

Senator Signature

2-13-2019
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 123	/	
HB 124	/	

SENATE PROXY

I, Senator Jason Ellsworth, hereby authorize Senator _____ to vote my proxy before the Senate Local Government Committee meeting held on 2-13-2019, 2019.

Senator Signature

2-13-2019
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 123	/	
HB 124	/	

MONTANA STATE SENATE
Visitors Register
SENATE LOCAL GOVERNMENT COMMITTEE

Wednesday, February 13, 2019
HB 123 - Generally revise sewer district laws
Sponsor: **Rep. Alan Doane**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
DENNIS ZANDER	DAWSON COUNTY	✓		
TOM Halvorson	Richland County			✓
Shane Gorder	Richland County	✓		
Loren H. Young	Richland County	✓		
Bob Gilbert	City of Glendive	✓		
Bob Gilbert	League of Cities & Towns	✓		
Jason Rittal	MACo	✓		
RON DEULIN	Dawson Co	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE LOCAL GOVERNMENT COMMITTEE

Wednesday, February 13, 2019
HB 124 - Authorize county commissioners to lift agricultural covenants -limited situation
Sponsor: **Rep. Forrest Mandeville**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Tom Halvorson	Richland County	✓		
Shane Gorder	Richland County	✓		
Leann H. Young	Richland County	✓		
Tara Beky	MACo/PCP	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Blasdel, Flowers, and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/16/2019
Correctly printed: **SB 167**, **SB 176**, **SB 177**, **SB 184**, **SB 191**, **SB 203**, **SB 205**, **SB 207**, **SB 223**, **SB 226**, **SB 229**, **SB 266**, **SB 267**, **SB 268**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **HB 51**, **HB 72**, **HB 84**, **HB 88**, **HB 110**, **HB 136**, **HB 145**, **HB 206**, **HB 228**.
Correctly engrossed: **SB 18**, **SB 50**, **SB 102**, **SB 125**, **SB 147**, **SB 213**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 2/15/2019
HB 45, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/15/2019
SB 53, introduced bill, be amended as follows:

1. Page 1, line 28.
Strike: "75%"
Insert: "60%"

And, as amended, do pass..

SB 162, introduced bill, be amended as follows:

1. Page 3, line 1.
Strike: "Tabulation"
Insert: "Automatic tabulation using a vote-counting machine"
Following: "day."
Insert: "Tabulation using a manual count may not begin until election day."

2. Page 3, line 5.
Following: line 5
Insert: "(d) Access to an electronic system containing early tabulation results is limited to the election administrator and the election administrator's designee. Results may not be released except as provided in [section 9]."

3. Page 5, line 13.
Following: "board"
Insert: "and observers"

4. Page 6, line 26.
Following: "**tally.**"
Insert: "(1)"

5. Page 6, line 28.
Following: line 27
Insert: "(2) (a) A person who knowingly makes public the results of a vote tally from a precinct before 8 p.m. on the date of the election shall be imprisoned in the state prison for a term not to exceed 2 years or be fined an amount not less than $100,000 and not more than $500,000, or both.

(b) For the purposes of this section "knowingly" has the meaning specified in 45-2-101."

And, as amended, do pass.

SB 231, do pass.
SB 232, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "chapter."
Insert: "If a county pays for the use of a building as a temporary polling place because of an unforeseen or temporary circumstance, within 1 week following the election, the county shall provide the secretary of state with a report detailing the costs incurred."

And, as amended, do pass.

SR 12, be adopted.
SR 30, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/15/2019

HB 173, introduced by S. Morigeau
HB 267, introduced by D. Zolnikov
HB 284, introduced by C. Glimm

HB 302, introduced by G. DeVries, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/15/2019

Yeas - 56
Nays - 43

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 32, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 33, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 173, introduced by S. Morigeau, K. Abbott, B. Bennett, L. Bishop, K. Bogner, M. Caferro, W. Galt, F. Garner, T. Jacobson, R. Lynch, D. Sands, C. Schreiner, D. Skees, J. Small, J. Welborn, referred to Judiciary.
HB 267, introduced by D. Zolnikov, E. Buttrey, K. Dudik, B. Grubbs, W. McKamey, R. Peppers, R. Shaw, B. Smith, T. Woods, referred to Energy and Telecommunications.
HB 284, introduced by C. Glimm, N. Ballance, D. Bartel, B. Beard, D. Bedey, M. Blasdel, B. Brown, T. Burnett, G. DeVries, A. Doane, J. Dooling, D. Dunn, N. Duram, J. Fuller, W. Galt, F. Garner, S. Greef, G. Hertz, S. Hinebauch, K. Holmlund, D. Howard, D. Kary, J. Kassmier, R. Knudsen, M. Lang, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, M. Noland, A. Olszewski, J. Read, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, R. Shaw, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, B. Usher, S. Vinton, P. Webb, referred to Judiciary.
HB 302, introduced by G. DeVries, B. Beard, B. Brown, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, R. Garcia, C. Glimm, S. Greef, C. Knudsen, R. Knudsen, T. Manzella, M. Noland, J. Read, A. Redfield, D. Skees, P. Webb, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 127 - Senator Cohenour moved **SB 127** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Webb, Webber, Welborn.
Total 44

Nays: Esp, Gross, Tempel.
Total 3

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 35 - Senator Thomas moved **SB 35** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Webb, Webber, Welborn.
Total 43

Nays: Keenan, Lang, Mr President, Tempel.
Total 4

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 130 - Senator Salomon moved **SB 130** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 46

Nays: Brown.
Total 1

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 40 - Senator F. Smith moved **SB 40** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webber, Welborn.
Total 42

Nays: Brown, Fielder, Mr President, Vance, Webb.
Total 5

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 197 - Senator Welborn moved **SB 197** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 72 - Senator Sesso moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 116 - Senator Salomon moved **SB 116** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 123 - Senator Hinebauch moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 124 - Senator Lang moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 200 - Senator Cohenour moved **HB 200** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski,

Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber.
Total 45

Nays: Cuffe, Welborn.
Total 2

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 201 - Majority Leader Thomas moved consideration of **HB 201** be passed for the day. Without objection, so ordered.

SB 174 - Senator Kary moved **SB 174** do pass.

SB 174 - Senator Kary moved **SB 174**, second reading copy, be amended as follows:

1. Page 5, line 10.
Following: "department;"
Strike: "or"

2. Page 5, line 12.
Following: "years"
Insert: ";
(iii) may not hunt with a crossbow that shoots an arrow at a velocity exceeding 400 feet per second; or
(iv) may hunt only with a crossbow that uses an iron sight or a scope with a magnification power of no more than three times"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 24

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Webber.
Total 23

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 174 - Senator Ellsworth moved **SB 174**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Strike: "OR OVER AGE 70"

2. Page 1, line 16.
Strike: "and persons over 70 years of age"

3. Page 5, line 3 through line 4.
Strike: ":" on line 3 through "(i)" on line 4

4. Page 5, line 6 through line 7.
Strike: "; or" on line 6 through "older" on line 7

Amendment **failed** as follows:

Yeas: Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Kary, Lang, McConnell, Mr President, Olszewski, Osmundson, Richmond, Small, Smith C, Thomas, Vance.
Total 19

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Gillespie, Gross, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Smith F, Tempel, Webb, Webber, Welborn.
Total 28

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 174 - As amended, **SB 174 failed** as follows:

Yeas: Blasdel, Cuffe, Ellsworth, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Smith C, Thomas, Vance, Webb.

Total 13

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 37

Paired: Blasdel, Howard, Osmundson, Aye; Flowers, McConnell, Vuckovich, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 - Majority Leader Thomas moved **SB 174** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Webber, Welborn.
Total 44

Nays: Smith C, Thomas, Webb.
Total 3

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary,

Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 167 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 191 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary,

Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 72 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 84 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 88 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 110 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 136 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 175 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 273, introduced by D. Sands, G. Vance.
SB 274, introduced by A. Olszewski.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 18, 2019, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 10:44 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2019
Correctly printed: **SB 35**, **SB 40**, **SB 72**, **SB 116**, **SB 127**, **SB 130**, **SB 197**, **SB 231**, **SB 273**, **SB 274**, **SR 12**, **SR 30**, **SR 32**, **SR 33**, **HB 45**, **HB 123**, **HB 124**, **HB 200**.
Correctly engrossed: **SB 53**, **SB 162**, **SB 184**, **SB 232**.
Correctly enrolled: **SR 6**, **SR 7**.
Transmitted to the House: **SB 108**, **SB 165**, **SB 167**, **SB 168**, **SB 191**, **SB 205**, **HB 64**, **HB 66**, **HB 67**, **HB 71**, **HB 72**, **HB 74**, **HB 84**, **HB 88**, **HB 91**, **HB 107**, **HB 108**, **HB 110**, **HB 136**, **HB 159**, **HB 175**.
Signed by the Speaker at 10:19 a.m., February 18, 2019: **SJ 1**.

MESSAGES FROM THE GOVERNOR

February 15, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 275, introduced by A. Olszewski, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, C. Boland, B. Brown, D. Brown, Z. Brown, M. Caferro, J. Cohenour, M. Cuffe, G. Custer, G. DeVries, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, J. Ellis, J. Ellsworth, J. Esp, J. Fielder, R. Fitzgerald, S. Fitzpatrick, F. Fleming, J. Fuller, M. Funk, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, J. Gross, S. Gunderson, B. Hamlett, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, J. Karjala, D. Kary, J. Kassmier, J. Keane, B. Keenan, K. Kelker, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, R. Lynch, M. MacDonald, S. Malek, T. Manzella, E. McClafferty, N. McConnell, W. McKamey, M. McNally, B. Mercer, F. Moore, T. Moore, D. Mortensen, M. Noland, J. Pomnichowski, J. Read, K. Regier, M. Regier, V. Ricci, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb, S. Webber, J. Welborn, T. Welch, K. White, D. Zolnikov, referred to State Administration.
SB 276, introduced by R. Webb, referred to Judiciary.
SB 277, introduced by R. Webb, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 12, introduced by M. Cuffe, N. Duram, S. Gunderson, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 278, introduced by T. Richmond, D. Ankney.

The following Senate bills, previously introduced, were referred to committees:

SB 272, introduced by S. Hinebauch, K. Bogner, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, R. Peppers, B. Smith, F. Smith, referred to Business, Labor, and Economic Affairs.
SB 273, introduced by D. Sands, G. Vance, referred to Judiciary.
SB 274, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 78 - Senator McNally moved **SB 78** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **SB 184** be passed for the day and that **SB 176**, **SB 177**, and **SB 223** be moved to the bottom of the board. Without objection, so ordered.

SB 132 - Senator K. Regier moved **SB 132** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Barrett, Bennett, Ellis, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - Senator Lang moved **SB 139** do pass.

SB 139 - Senator Lang moved **SB 139**, second reading copy, be amended as follows:

1. Page 2, line 4.
Following: "(e)"
Insert: "by September 15 of each even-numbered year,"

2. Page 2, line 5.
Strike: "each legislative session"
Insert: ", as provided in 5-11-210,"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - As amended, **SB 139** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Pomnichowski, Sands, Sesso, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - Senator Richmond moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 - Senator Bogner moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 51 - Senator Lang moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 - Senator Olszewski moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 - Senator Malek moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - Senator Gauthier moved **HB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Blasdel moved **HB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Senator Fielder moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: McConnell, Pomnichowski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 - Senator Cohenour moved **HB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 - Senator Tempel moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 176 - Senator Jacobson moved **SB 176** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 - Senator Jacobson moved **SB 177** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Ellsworth, Howard, Kary.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 - Senator Jacobson moved **SB 223** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 93**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Keenan, Lang, Mr President, Tempel.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Bogner, Brown, Fielder, Lang, Mr President, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 43

Nays: Esp, Gross, Hoven, Keenan, Lang, Tempel, Webb.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 130 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 123 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Keenan.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 124 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 200 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Cuffe.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Kate Bick from Bozeman, sponsored by Senator McNally
Daniel Brennon from Great Falls, sponsored by Senator Fitzpatrick
Ethan Foss from Hamilton, sponsored by Senator Ellsworth
Tyler Glenn from Hamilton, sponsored by Senator Thomas
Aaliyah Green from Billings, sponsored by Senator Richmond
Parker Klaske from Billings, sponsored by Senator Kary

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 19, 2019, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 2:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate